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LOCAL SPECIAL PURPOSE BODIES
IN THE PROVINCE OF ONTARIO



Municipal Research Branch
Regional Government Studies Section
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September, 1970.

PREFACE

This study is based on information obtained from the statutes, speeches, local government reviews, submissions from municipal associations, clerks' returns and secondary sources. It has been prepared without the benefit of contact with local people to learn about the actual operation of these special purpose bodies. Consideration should be given to determining more about actual practice before firm policies are proposed by this Department.

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INTRODUCTION

Past councillors up at Pitlochry
Helped make their council a mockery,
Some now want remissions
From boards and commissions,
Will the Province denounce ad hockery?¹

Fortunately for the often maligned councillors of Pitlochry it is now the policy of the Government of Ontario, as regional governments are formed, "to adopt a vigorous policy of strengthening the municipal councils by removing powers from existing special purpose bodies and turning these powers over to the Regional or local municipality".²

The aim of this policy is to remove one of the impediments to strong local government. Considerable change is needed to

¹This limerick paraphrases and attempts to correct the impression given in the original that municipalities are solely responsible for the multitude of local special purpose bodies. The original contained in the Report of the Commission - Niagara Region Local Government Review (Commissioner - H.B. Mayo) August, 1966, p. 67, was :

The councillors up at Pitlochry
Believed in the creed of Ad Hockery
They farmed all decisions
To boards and commissions,
And so made their council a mockery.

²The Honourable W. Darcy McKeough, Minister of Municipal Affairs, Design for Development Phase Two, December 2, 1968, p. 8.

the existing system of special-purpose bodies in order for local councils to be responsible for all local services, to co-ordinate these services, and to determine local priorities. With such multi-purpose councils, responsibility for all local services would be clear, and those persons providing local services would be accountable to the local voters.

The purpose of this paper is to examine the existing system of local special-purpose bodies, to assess its effects on the local government structure, and to recommend how the general government policy can be most appropriately applied to specific special purpose bodies.

Description

In this paper the terms special purpose body, board, and commission are used interchangeably. A local board is defined by The Department of Municipal Affairs Act as follows:

Local board means a school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning boards, or any other board, commission, committee, body, or local authority established or exercising any power or authority under any general or special act with respect to any of the affairs or purposes including school purposes, of a municipality or two municipalities or parts thereof.¹

¹The Department of Municipal Affairs Act, RSO 1960, Chapter 98,5.1(d).

Most local special purpose bodies have the following characteristics:

1. they are public bodies in that they are either elected by general vote or they are appointed by municipal council(s), the Provincial Government, or other special purpose bodies;
2. they operate at the local or regional level but outside the normal municipal structure;
3. they have a single function or a limited range of functions;
4. they receive at least part of their revenue from either or both municipal governments and the Provincial Government, or from user charges.

This paper includes some private local bodies which are not usually considered to be special purpose bodies - children's aid societies, societies for the prevention of cruelty to animals, and hospital boards. These bodies spend public money and the first two have considerable legal powers affecting the individuals of this Province.

Local special purpose bodies are distinguished from local committees of council by the fact that they are established as separate entities by public or private legislation whereas council committees are established by act of the municipal council.

In addition, boards and commissions generally have more "citizen" members than have council committees. (Municipal councils in Ontario have taken little advantage of their power to co-opt "citizen" members to committees). The members of some boards are elected by the residents of the municipality; all council committee members are selected by council. In addition, many boards have greater financial autonomy than committees. All local bodies (excluding counties and regional governments) that administer services for two or more municipalities or parts thereof are boards rather than committees of council as in this situation there is no common council.

Apart from the common characteristics described above, most special purpose bodies have little in common. They are variously called "boards", "commissions", "organizations", "authorities", "councils", "courts" and "committees". Appendix A of this paper gives some of the main statutory provisions of the local special purpose bodies that can be established under general Ontario legislation. Appendix B is a detailed comparison of the statutory provisions for boards and commissions under the headings - formation, membership, term of office, qualifications for office, remuneration, finance, Provincial grants, Provincial controls and incorporation.

This appendix clearly indicates that the composition, the financial arrangements and the relationships of boards to municipal councils and the Provincial Government vary widely among local special purpose bodies.

The functions and territorial jurisdictions of special purpose bodies are also quite diverse. The functions of boards and commissions can be broadly classified into three main types - administrative, advisory and quasi-judicial. Most boards are of the first type; they make policy and administer a specific service. The more independent a body is, the more it is an administrative organization, and the less it is an advisory board. A number of local special purpose bodies are quasi-judicial in that they hold hearings and decide how general policy is to be applied to specific cases.¹

The territorial jurisdiction of boards and commissions can be of the following types:

1. smaller than the area of the municipality
2. the same as that of the municipality
3. greater than one municipality

(a) voluntary arrangement between two or small
number of municipalities

¹Appendix C (pp.248-251) discusses in more detail the differences between administrative and judicial boards. This Appendix also outlines the various legal restraints on the powers of local boards and commissions.

- (b) greater area or region which has been determined by the Province.

Number of Boards

There are more than seventy types of local special purpose bodies described in general Provincial legislation.¹ A variety of boards has also been established by private acts. It would be interesting to know how many of these boards have been established by municipalities in Ontario. Some indication can be obtained from the Clerks' Returns but for a variety of reasons this information is of little value.² However, these returns indicate that more than two thousand local special purpose bodies have been established in Ontario municipalities. Appendix D contains more detailed figures.

¹Some statutory provisions for these boards are given in Appendix A.

²The difficulties of using the Clerks' Returns are as follows:

Clerks sometimes list committees as boards and boards as committees;

Boards which are mandatory in the municipality are not always listed;

Boards which are known to exist in a municipality are omitted;

Joint or regional boards are listed with no indication of the municipality's partners. Thus, many boards are mentioned in several Returns;

Voluntary, private bodies are listed;

Some boards are listed by their local or popular names and it is impossible to determine what type of statutory body they are;

Many municipalities group the functions of a number of statutory boards under one board with a combined name which makes cataloguing difficult.

General Theoretical Arguments

Disputes concerning the value of special-purpose bodies arise because of differences of opinion over the desired end. Those who favour strong local government argue against special-purpose bodies. Those who have a special interest in a particular service defend special-purpose bodies.

The latter group favour a system in which their particular interest is considered separately and has considerable financial independence. They prefer boards which are either directly elected to perform one function or boards which are composed of appointees who are not subject to "political" considerations. Both of these boards allow their members to concentrate on one interest, and indeed, make it their responsibility to consider one service to the exclusion of all others. Financially, people of this thinking want the service financed either by a revenue source which they alone control, or by a requisition on council funds which the council may not refuse.

In defence of these special-purpose bodies it is argued that the service is "removed from politics"; that the system enables those with knowledge or interest in the function to specialize on it; that knowledgeable and interested persons will serve on a board which concentrates in their field; and

that many persons who are not willing to become involved in "politics" are given an opportunity to participate in local government. It is also argued that existing special-purpose boards are doing a good job of providing services.

On the other side those who favour strong local government desire a system in which all local services are the responsibility of a multi-purpose council which has control over all local revenue and that is accountable to the voters. They wish all local service to be co-ordinated and want a system in which the priorities of the majority of the voters can be adopted into the spending pattern on local services. They desire a system in which local inhabitants can clearly see who to hold responsible, a system which enhances the power of the council so that good men will be encouraged to run for office, and a system in which the citizen will vote with some confidence that he has some control over the type and level of local services.

The existence of special-purpose bodies clearly hinders the voter in knowing who to hold responsible for local services. With any number of independent or quasi-independent bodies, services may be unco-ordinated and there is no one body which has the power to sort out the conflicting financial demands

of the various bodies.

While it is not denied that functions presently administered by special-purpose boards are in a good position to ensure that this service receives special attention, it is strongly argued that certain services should not be given special advantages. To give one service unlimited financial support means that with a limited supply of funds, other services must suffer. To "remove a service from politics" because a service may not have a high " vote appeal" is just another way of saying that without political control a group is less responsible to public wishes. There is a danger that non-responsible bodies will implement unpopular programmes. It is agreed that it is desirable to have knowledgeable and interested citizens participate in local government. If the role of the municipal council was more meaningful, more of these people might run in local elections. Even if they did not, rather than being appointed to boards they could be co-opted on to council committees.

Design for Development Phase Two, clearly indicated that it is the policy of the Government of Ontario to strengthen local government. This policy recognizes that in order to achieve this desired end it is necessary to transfer powers from existing special purpose bodies to local and regional municipalities.

CURRENT OPINION

Government Policy Statements

This section outlines Government views as expressed in recent speeches by the Prime Minister of Ontario, the Minister of Municipal Affairs, and the Provincial Treasurer. These statements have been expressed at a number of meetings, with copies widely distributed and they are accepted as existing Government policy on local boards and commissions. It is of interest that not all the statements are in agreement. An evolution in government policy was announced in Design for Development Phase Two. A subsequent statement made by the Minister of Municipal Affairs in the Ontario Legislature on April 6, 1970, indicated his apparent desire to soften this policy as it related to boards and commissions.

In 1966, the Prime Minister of Ontario stated that, contrary to recommendations in the Goldenberg Report,¹ planning boards in Metropolitan Toronto would be retained:

¹Ontario, Report of the Royal Commission on Metropolitan Toronto, (H. Carl Goldenberg - Commissioner), June, 1965.

Experience has shown that the value of recommendations from a competent Planning Board with its own planning staff, the majority of whom are neither elected members of council nor officials, serves best to bring before the council and electors in every issue an independent, professional point of view. Accordingly, Planning Boards will be retained.¹

The major statement about special purpose bodies was made in Design for Development Phase Two:

As these (Regional) Governments are formed, we will adopt a vigorous policy of strengthening the municipal councils by removing powers from existing special purpose bodies and turning these powers over to the Regional or local municipality. Examples of the fields we have in mind for a more direct role by the municipalities are - parks, recreation, planning and community centres. These functions could be carried out effectively by committees of council, perhaps including appointed citizens, and would be directly accountable to the council on all matters of policy, including finances.²

Design for Development Phase Two considered conservation authorities to be a special case:

It may prove impossible to integrate the conservation authorities completely within a Regional Government System. The problem is that conservation authorities must use watershed boundaries reflecting their very specialized role. If a conservation authority is entirely within a Regional Government we might consider the possibility of making the authority directly responsible to the Regional Government Council or perhaps making the authority a special committee of council.³

¹The Honourable John Robarts, Prime Minister of Ontario
Statement Re: Report of the Royal Commission on Metropolitan
Toronto, January 10, 1966.

²The Honourable W. Darcy McKeough, Minister of Municipal
Affairs, Design for Development Phase Two, December 2, 1968.

³Ibid., p. 7.

Similar statements were made in the 1969 Ontario Budget.¹

In making a tentative proposal for regional government in Peel-Halton, the Minister of Municipal Affairs was more specific about plans for some local services which at present are administered by local boards and commissions. He stated that the possibility of making the area of the health unit in Peel-Halton match the boundaries of the proposed regional government would be investigated. "In addition, the advisability of bringing public health services directly under the jurisdiction of the regional council will be determined."² The Minister indicated that he believed that planning should be administered directly by a committee of council.³ He proposed that parks be directly administered by the regional council and the local councils.⁴

In a later address the Minister of Municipal Affairs outlined the main reason behind these proposed changes:

Many local boards, commissions, committees, etc., make their decisions - policy and financial - quite

¹The Honourable Charles MacNaughton, Treasurer and Minister of Economics, 1969 Budget Ontario, pp. 67-68.

²The Honourable W. Darcy McKeough, Minister of Municipal Affairs, "A Tentative Proposal for Regional Government in Peel - Halton", January 22, 1969. p. 11.

³Idem.

⁴Ibid., p. 12.

independently. It is our belief that the elected regional or local municipal council should be the chief instrument of policy co-ordination for most local government functions. In order to achieve this augmented role for elected municipal councils we see the need to strengthen the municipal structure.

Bodies of this kind can render excellent public service, but the fact does not override the principle that it is highly desirable for people who make decisions on public matters to be directly responsible to the electorate.¹

In a speech proposing the establishment of the District Municipality of Muskoka the Minister explained that at the district level the council with optional planning advisory committees would be directly responsible for planning:

In an area such as Muskoka, where there is such great pressure on valuable and limited land and water resources, it is essential that district council formulate an overall strategy and standards for the future use of these resources.²

At the area level, planning would be carried out either by area councils with optional planning advisory committees or by a separate planning board.³

¹The Honourable W. Darcy McKeough, "Municipalities: Where the Action Is", address to the Empire Club of Canada, March 21, 1969.

²The Honourable W. Darcy McKeough, "District Municipality of Muskoka", March 9, 1970, p. 20.

³Idem.

A change was also proposed for the administration of health:

The district council will be responsible for appointing all the Muskoka members of the Muskoka-Parry Sound Board of Health. District councillors only will be appointed to the Board so that the links between the health unit and municipal councils will be strengthened.¹

In April 1970, the Minister of Municipal Affairs stated in the Provincial Legislature that he believes that "in total, they (special purpose bodies) tend to diminish somewhat the authority of the elected council at the local level". However, he continued "we have no planned programme of winding up special purpose bodies". Rather, as regional governments are formed local councils are asked to look at their special purpose bodies and if they wish to abolish some boards this can be incorporated into the regional legislation.²

In announcing regional government proposals for York in May 1970, the Minister of Municipal Affairs indicated a number of changes related to boards and commissions in the area. Police villages would be abolished. The Toronto and York Roads Commission would be abolished. Planning would become the direct responsibility of the regional and local councils. However, local

¹Ibid., p. 24.

²Parliamentary Debates, Ontario, April 6, 1970.

planning committees might be appointed. Significantly, provision would be made for a joint planning committee of the York Region, Metropolitan Toronto, and the Province. The police commission would be altered to be composed of two members of the regional council appointed by council, a judge of the county court, and two members appointed by the Lieutenant-Governor-in-Council. The Health Unit would also be altered to be composed of five members of the regional council and not more than three members appointed by the Lieutenant-Governor-in-Council. The region and local municipalities would be forbidden to entrust water and sewers to utilities commissions. The Minister further announced that:

The supply of electrical power by commissions would not form part of the subject of regional legislation. A general government policy on the relation of hydro commissions and regional governments will precede any major reorganization of these bodies.¹

In a speech to The Ontario Provincial-Municipal Conference the Minister of Municipal Affairs explained that due to the existence of local special purpose bodies "there is little overall co-ordination in deciding local government service priorities, and no means of providing the overall budgetary or financial planning essential to good management"².

¹The Honourable W. Darcy McKeough, Minister of Municipal Affairs, "The Regional Municipality of York", May 6, 1970.

²The Honourable W. Darcy McKeough, Minister of Municipal Affairs, "Local Government Reform - Where We Stand", Statement to the Ontario Provincial-Municipal Conference, April 24, 1970, p. 9.

It is our belief that this situation can be remedied in part at least by strengthening the power of the elected municipal council so it can act as the chief instrument of policy co-ordination for most local government functions. This can be done in two ways: by eliminating special bodies and making more functions the direct responsibility of the municipal council; and by reinforcing the municipal council's power of appointment and fiscal control over the special-purpose body.¹

After outlining some of the special provisions for the alteration or abolition of special-purpose bodies which have been embodied in regional legislation the Minister stated:

These are examples of a trend I hope to see grow and widen: aiding the municipal council in its role as the elected co-ordinator of a whole range of local programs, so that responsibility and accountability are clear.²

Government policy on local boards and commissions as indicated in recent regional legislation is outlined in Table 1.

Views of Provincial Departments

In general, specific purpose-orientated Provincial Departments find 'their' boards useful in acting as Provincial agents and in giving the departments a 'grass roots' support that is sympathetic to the particular aims of the department. Each sees 'their' board as being particularly important.

Professor Dupre has clearly indicated why many Provincial Departments prefer to use special purpose bodies.

¹Ibid., p. 10.

²Idem

TABLE 1

SUMMARY OF REGIONAL LEGISLATION RELATING TO BOARDS AND COMMISSIONS

x - No board
+ - Board
? - Unclear
- - No mention
/ - Optional
R - Regional
L - Local

Act	Water	Sewage	Hydro	P.U.C.	Transit	Suburban Roads	Library	Police	Health	Planning	Committee of Adjustment	Parks	Community Centres
Metro-Toronto	x?	?	+	-	+	+	+	and Metro Licensing Board	-	+	-	x?	-
Ottawa-Carleton	x?	x?	-	x?	-	x	-	-	+	x	-	-	-
Lakehead	-	-	+	x	-	-	+	-	-	x	-	x	x
Niagara	x	x	+	x	-	x	-	+R L	+	x	+ L boards	x (specific local boards dissolved)	x
Muskoka	x	x	+	x	-	-	-	x	+	x R / L	+ L	/	/
York	x	x	+	x	-	x	-	+	+	x	+ L	/	/

Administrators who have specialized in a common field have much in common with one another, regardless of what level of government they may work for. Health people at the local level share similar training, working methods and values with health people at the provincial level. The same is true of conservation officers, welfare workers, educationists, and so on.¹

When a special-purpose government is created, the function to which it is devoted is removed from the arena of local government and placed in splendid isolation. What sort of situation could be more advantageous for those particular specialized interests that are associated with the performance of the function in question? Health officials, welfare officials or education officials can have tremendous influence if they insulate their function away from the local political arena under the aegis of a special-purpose government. This is true not only of the health or welfare officials at the local level, but of course of their provincial counterparts. The latter will now gaze down benignly upon a unit of government that shares the outlook of their operating departments.²

For these reasons it is to be expected that these Provincial Departments and agencies will defend the existence of 'their' board.

It has not been possible to do a detailed study of the views of civil servants in specific purpose-orientated Provincial Departments towards the local special purpose bodies with which they work closely. They have produced few written statements on this subject. However, the two examples below give some

¹J. Stefan Dupre "Notes for an Address on the Political Dimensions of Regional Government", Delivered to the Toronto Chapter of the Institute of Public Administration of Canada, February, 1968.

²Ibid.

indication of the approach of 'operating' departments.

The Regional Development Branch of the Department of Treasury and Economics has said this about the role of regional development councils; regional plans "will be forwarded to the Regional Development Councils for 'grass roots' reaction"1

A brief by the Hydro Electric Power Commission of Ontario in support of the continued existence of hydro-electric commissions is typical of the special pleading approach:

Separately-elected commissions should be maintained to operate the municipal distribution systems. We recognize there has been a tendency to proliferate boards and commissions. We believe however2

Local Government Reviews and Related Reports

In the past five years, a number of local government reviews and related reports which mention special purpose bodies have been submitted to the Provincial Government. All recommend certain changes in the system of ad hoc bodies. Some favour relatively minor adjustments; most favour the abolition of at least some boards and commissions.

¹Richard S. Thoman, Director, Regional Development Branch, Department of Treasury and Economics, "Ontario's Emerging Program of Regional Development", October 28, 1968, and January 25, 1969, p.3.

²Submission to the Minister of Municipal Affairs for the Distribution of Electricity under Regional Government by the Hydro-Electric Power Commission of Ontario, April 6, 1970.

Select Committee on the Municipal Act and Related Acts

The fourth and final report of this committee recommended the abolition of suburban roads commissions¹ and local boards of health.² The Committee also suggested that some of the characteristics of the remaining boards be changed and that many of the provisions relating to these boards be made uniform. The more significant alterations suggested by the Committee are as follows:

That the qualifications of every person to be a member of a non-elected local board or commission be the same as the qualifications of every person to be elected a member of the council of a local municipality;

That members of council be permitted to sit on all non-elected local boards and commissions;

That the authority which appoints members to a non-elected board or commission be given the power to recall its appointees and to fill all vacancies thereby created.³

The Royal Commission on Metropolitan Toronto

The Royal Commission on Metropolitan Toronto Report had relatively little to say about boards and commissions and suggested few changes for them. The Toronto Transit Commission was to remain⁴ as was the suburban roads commission.⁵

¹The Fourth and Final Report of the Select Committee on the Municipal Act and Related Acts, (The Beckett Report), March, 1965, p.145.

²Ibid., p. 152.

³Ibid., p. 163.

⁴The Royal Commission on Metropolitan Toronto (Commissioner - H. Carl Goldenberg), June, 1965, p. 46.

⁵Ibid., p. 48.

A regional board of health was recommended¹ as was a regional co-ordinating library board.² Significantly, the one type of board that the commission recommended abolishing was the local planning boards. This function was to be transferred to a planning committee of council with the power to co-opt.³

Ottawa, Eastview, and Carleton County Local Government Review

Much wider changes were proposed in The Final Report and Recommendations - Ottawa, Eastview, and Carleton County Local Government Review. This study recommended:

With the exception of hospital and school boards, all existing local boards and commissions should be abolished and the services and staff under their jurisdiction made the responsibility of the regional government administrative departments. Policy decisions formerly made by the boards and commissions would henceforth be formulated by council committees for adoption by Council.⁴

The Commission recommended the establishment of advisory boards appointed by, and responsible to, the regional and district councils so that non-elected persons could continue to participate.⁵

The Commission singled out certain services for special mention. It suggested that school boards retain authority over school administration but that these boards in future only advise the regional council on educational finance.⁶ The abolition of

¹Ibid., p. 57.

²Ibid., p. 66.

³Ibid., p. 77.

⁴Final Report and Recommendations - Ottawa, Eastview, and Carleton County Local Government Review, (Commissioner - Murray Jones), June, 1965, p. 36.

⁵Ibid., p. 31.

⁶Ibid., p. 37.

suburban roads commissions,¹ hydro-electric commissions,² conservation authorities,³ library boards,⁴ police commissions,⁵ and planning boards,⁶ was recommended. The Report suggested that regional planning be the responsibility of the executive committee of the regional council⁷ and that the executive committee be advised by a technical advisory committee and a citizens advisory committee.⁸

The Niagara Region Local Government Review

In general the Commissioner of the Niagara Region Local Government Review was critical of special-purpose bodies. His "final word on special-purpose local bodies" was:

The Councillors up at Pitlochry
Believed in the creed of Ad Hockery;
They farmed all decisions
To boards and commissions
And so made their council a mockery.⁹

Specifically this Review recommended the abolition of hydro-electric commissions.¹⁰ However, the Review seemed to be concerned more with preventing the creation of new boards rather than with abolishing existing boards:

¹Ibid., p. 47.

²Idem

³Idem

⁴Idem

⁵Ibid., p. 49.

⁶Ibid., p. 36.

⁷Idem

⁸Ibid., p. 38.

⁹Report of the Commission - Niagara Region Local Government Review (Commissioner - H. B. Mayo) August, 1966, p. 67.

¹⁰Ibid., p. 37.

. . . We do not condemn all special purpose boards and commissions. Many are quite essential, especially when they serve more than one region and are province wide. We do say that at the local level the dispersal of responsibility is already so large that the citizen is often confused. Further dispersal and fragmentation are to be avoided if there is to be effective control of local government by the elected Councils and ultimately by the citizens.¹

The Peel-Halton Local Government Review.

The Peel-Halton Local Government Review advanced many arguments for the abolition of boards and commissions but, for unstated reasons, decided that some should be retained. It was the commissioner's view that:

It is not likely that all local boards and commissions can be eliminated. Nevertheless, this Review is of the opinion that many could be eliminated in the proposed Urban County of Mississauga. Apart from education . . . the only functions which should continue to be assigned to a board or commission are hydro, police, and libraries.²

Without giving reasons the review recommended that in the proposed Rural County of Peel-Halton, library service should be the direct responsibility of the County and that consideration be given to the appointment of a citizen's library advisory board.³

¹Ibid., p. 67.

²Peel-Halton Local Government Review, (Commissioner - T. J. Plunkett), September, 1966, p. 68.

³Ibid., p. 80.

The Ontario Committee on Taxation

This committee suggested that under the system of regional government which it proposed it would be desirable to place welfare,¹ and libraries² under direct council control. By implication, the committee also suggested that all regional functions should be administered by the regional council.³

The committee's bravest recommendation dealt with education:

Our studies of the feasibility and desirability of regional government have impressed upon us the appropriateness of assigning secondary education in all instances as a regional responsibility. We do not, however, have in mind the existence of a separately elected secondary school board coterminous with regional boundaries. What we are instead prepared to advocate is that secondary education, along with all other regional functions, come everywhere under the jurisdiction of a single elected regional council.⁴

Select Committee of the Legislature on the Report of the Ontario Committee on Taxation.

This committee restricted its remarks about the Smith Committee's suggestions for ad hoc bodies to the latter's proposal for secondary education. This committee expected no significant changes in the Province's new school system other than adjusting jurisdictional boundaries to coincide with those of the proposed regional governments.⁵

¹The Ontario Committee on Taxation, Report, Volume II (The Smith Report), 1967, p. 524.

²Ibid., p. 532.

³Ibid., p. 160.

⁴Idem.

⁵Taxation in Ontario - A Program for Reform, The Report of the Select Committee of the Legislature on the Report of the Ontario Committee on Taxation, September 16, 1968, p. 149.

The Royal Commission Inquiry into Civil Rights

The McRuer report dealt generally with boards and tribunals within the province as a part of its study of civil rights.¹ The report examined the decision-making powers of these bodies to see how a citizen's rights were affected by their decisions. The report found that, in many cases, these bodies were empowered to make arbitrary decisions. To remedy this situation, the commissioners proposed a formal court-like procedure applicable to all tribunals which must hold a hearing before deciding a question. This change would give a citizen most of the rights he would have before a civil court. The report did not propose to abolish any of these bodies. Rather, its aim was to restrain their power to make arbitrary decisions.

The Lakehead Local Government Review

The Commissioner for the Lakehead Local Government Review stated that services provided by boards were "one stage removed from citizen participation and control"² but he also valued the contribution of 'citizen' members on these boards³. His solution was to make use of co-opted members on council committees while ensuring that a majority of voting members on such committees be elected councillors.⁴

¹Royal Commission Inquiry into Civil Rights Report, (Commissioner - J.C. McRuer), February 7, 1968, Ontario, Report No. 1. Vol. 1-3, and Report No. 2 Vol. 4.

²The Lakehead Local Government Review, Report and Recommendations, (Commissioner - Eric Hardy), March 11, 1968, p. 73.

³Ibid., p. 106.

⁴Idem.

The Muskoka District Local Government Review

The Muskoka District Local Government Review presented many theoretical arguments for the abolition of special-purpose bodies. It suggested that most services be placed under direct council control and endorsed the idea of co-opted members on council committees.¹ Planning, the Commissioner believed, is of such importance that it should be performed by the executive committee of the regional council.² The Commissioner saw no difficulty in the regional council handling the conservation function.³ Two types of boards would remain: committees of adjustment because of their quasi-judicial nature⁴ and public utility commissions because they are elected and because "they are responsible for services which are supported by revenues rather than out of taxes".⁵

The Inter-Departmental Committee on Government at the District Level in Northern Ontario

The Report of the Inter-Departmental Committee on Government at the District Level in Northern Ontario in its Alternative A appears to recommend the abolition of boards for health, welfare, libraries, and emergency measures.⁶ These functions could be

¹Muskoka District Local Government Review, (Commissioner - D. Paterson), June, 1969, p. 267.

²Ibid., p. 271.

³Ibid., p. 235.

⁴Ibid., p. 273.

⁵Ibid., p. 275.

⁶Inter-Departmental Committee on Government at the District Level in Northern Ontario - Report and Recommendations (The DIG Report), July 31, 1969. p. 14.

administered by council committees with a minority of co-opted voting members.¹ In Alternative B, planning would become a direct responsibility of the municipal councils.²

The Hamilton-Burlington-Wentworth Local Government Review

The Hamilton-Burlington-Wentworth Local Government Review clearly stated its attitude to boards and commissions:

In the Commission's view, unless specific reasons can be adduced for their continued existence, boards and commissions should be abolished or at least their establishment left to the discretion of the metropolitan and local council.³

However, the Commission found many reasons to continue certain boards. Education would not become a function of the municipal council because of "the long tradition of school boards" and "the concern of many people that education would be neglected in favour of other responsibilities if under council's control".⁴ Public transit⁵ and hydro-electric power⁶ would continue to be administered by boards because of the business nature of the functions Library boards⁷ and some local parks boards⁸ should be retained because of the substantial contributions made through them by private citizens. Police commissions⁹ and conservation authorities¹⁰ would remain and community centre boards¹¹ would be optional but no reasons for these recommendations were given. Suburban roads

¹Ibid., p. 19.

²Ibid., p. 26.

³Hamilton-Burlington-Wentworth Local Government Review, (The Steele Report), November, 1969, p. 147.

⁴Ibid., p. 148.

⁵Ibid., p. 106 and p. 155.

⁶Ibid., p. 125 & p.154

⁷Ibid., pp. 127-8 & p. 158.

⁸Ibid., p. 115 & p.161

⁹Ibid., p. 156

¹⁰Ibid., p. 162.

¹¹Ibid., p. 150.

commissions, however, would be abolished.¹ The Commission put forth a curious argument in support of no planning board at the regional level and optional planning boards at the local level.²

The Waterloo Area Local Government Review

The Waterloo Report paid particular attention to special purpose bodies. The Report's general conclusions regarding boards and commissions were as follows:

That a policy be adopted of drastically reducing the number of boards and commissions. Where their abolition is not possible, they should be brought into a more direct relationship with the municipality, and standard procedures for appointment, terms of office and accountability and finance should be established. The sharing of staff and equipment, the establishment of uniform personnel, accounting and purchasing practices, and greater control over their budgeting is desirable.

These changes will place increased responsibilities on the municipal council. If council wish to retain the advantages of drawing on the knowledge and ability of various citizens who might otherwise be appointed members of a special board, there is no reason why the service could not be made the responsibility of a committee of council to which citizens are co-opted.³

Other general comments relating to boards and commissions that the Report makes are:

The numerous special purpose boards and commissions complicate representation and accountability, and

¹Ibid., p. 160.

²Ibid., p. 159.

³Waterloo Area Local Government Review Report (Commissioner - Stewart Fyfe), February, 1970, pp. 163-164.

cannot be held as responsive to, or as representative of, the public as the municipal council. Indeed, one of the reasons often given for establishing such bodies is "to remove them from politics", an argument which represents a denial and a travesty of democratic theory. How can a function be removed from politics when politics is the basic process of democracy?¹

This Report has dealt elsewhere with the problems raised by the existence of so many boards in terms of divided responsibility, of erosion of the capacity of the council to act on behalf of the whole community, of the impediments to mobilizing the resources of local governments, of the duplication of staff and equipment.²

With such a proliferation of responsible bodies, i.e. boards, commissions and councils, the ultimate responsibility for best use of funds becomes obscure, while evasion of responsibility, is always possible and often real.³

More specifically the Report concluded that in the Waterloo

Area:

1. water and sewers should be a direct council responsibility;⁴
2. some of the functions of conservation authorities should be assumed by council and that the remaining functions should be carried out by conservation authorities whose composition more closely accords with the distribution and financial contributions of the constituent municipalities;⁵
3. responsibility for licensing should be removed from police commissions and made a direct responsibility of council and that police commissions should be increased in size to include at least one other member of council;⁶

¹Ibid., p. 160.

²Ibid., p. 163.

³Ibid., p. 104.

⁴Ibid., p. 50.

⁵Ibid., p. 54.

⁶Ibid., p. 62.

4. the responsibilities of suburban roads commissions should be made the responsibility of council and if necessary the road grants should be adjusted;¹
5. transportation should be a direct responsibility of council;²
6. the operation of utilities commissions should become a direct responsibility of the municipal council, possibly functioning through a committee of council; and that if this is not acceptable, that the commissions should become appointed rather than elected bodies, and that councils have some degree of control over the administrative aspects of their operations so as to achieve economies, and follow uniform practices throughout all the local government services in an area;³
7. the Victorian Order of Nurses should have new organizational and financial relationships with local government;⁴
8. the continuation of the Children's Aid Society as a private organization cannot be defended;⁵
9. the formal relationships of the school board and the municipal councils and other boards and commissions are almost nil, and that the Separate School Boards' jurisdiction should be made the same as that of the County Board of Education;⁶
10. the present library arrangements and the relationship between library boards and school boards is unsatisfactory;⁷
11. responsibility for planning must rest with council which should have power to determine how local planning should be carried out as a matter of internal administration;⁸

¹Ibid., p. 72.

²Ibid., p. 74

³Ibid., p. 77.

⁴Ibid., p. 81.

⁵Ibid., p. 86.

⁶Ibid., p. 100.

⁷Ibid., p. 103.

⁸Ibid., p. 154.

12. the "grass roots" of regional development councils are not accountable and it is seriously doubted whether regional development councils are appropriate bodies to make planning and development decisions;¹
13. authority to pass on severences should be removed from committees of adjustment and revert to the planning authority.²

Report on Sudbury Area Study

The Sudbury Report suggested the continuation of police commissions but felt that it might be appropriate in some instances to place licensing directly under council control.³ This Report contains an unusual argument relating to powers of planning boards and their relationship to council:

The respectful opinion of the Commissioner is in favour of a planning board only with the power to advise but subject to two very specific and very vital provisions. Members of the regional council should not be eligible for membership on the planning board and members of the council should be prohibited by statute from appearing before or making representations or submissions to the planning board.

The reasons for this stipulation seem to be the soul of logic. If the planning board's function is to advise council, and that is certainly what it should be, then surely members of council should not be on the planning board to join in deliberations and vote on what advice they should receive as councillors. To have councillors doing this is at least incongruous and more likely vicious. Substantially the same reason applies to members of council seeking to sway the advice the planning board will give to them as councillors.⁴

¹Ibid., p. 149.

²Ibid., p. 154.

³Sudbury Area Study Report (Commissioner - J. A. Kennedy) May 1970, p. 29.

⁴Ibid., p. 27.

Oshawa Planning and Development Study

In its third discussion paper¹ this study (O.A.P.A.D.S.) recommended that, in general, the functions of appointed boards and commissions be made the responsibility of standing committees of council with co-opted members who would not form a majority of the voting members of the committee. Similarly, it recommended that, in general, the functions now carried out by inter-municipal bodies should be administered by the regional council. Specifically the Report recommended that:

1. the regional council be responsible for health, homes for the aged, welfare and emergency measures²
2. the executive of the children's aid society be amended so that a majority of its members shall be members of the regional council
3. the areas of jurisdiction of all regional functions (except conservation) be made coincident with the boundaries of the region⁴
4. planning be made a council responsibility⁵
5. each council be empowered to appoint such advisory planning committees as it considers necessary⁶
6. a police commission be established with a majority of its members from the regional councils to administer a sub-regional police force serving the urban parts of the region⁷
7. water supply and distribution be council responsibilities and removed from public utilities commission jurisdiction⁸

¹Oshawa Area Planning and Development Study, Draft of Discussion Paper 3 on Preliminary Evaluation of Development and Regional Government Alternatives Volume 1 - Report, (Regional Government Consultant - D. Paterson) July, 1970.

²Ibid., p.x-67.

³Idem

⁴Ibid., p.x-68.

⁵Ibid., p.x-70.

⁶Ibid., p.x-71.

⁷Ibid., p.x-72.

⁸Idem.

8. hydro-electric commissions remain unchanged until "the anticipated general provincial policy on the relation of such commissions to regional governments is established".¹
9. public transportation be made a responsibility of the regional council²
10. responsibilities of the suburban roads commission be taken over by the regional council³
11. the boundaries of the public and separate boards of education be made coterminous with the proposed regional government boundaries⁴
12. a municipal-education advisory committee be established consisting of: the chairman of the regional council, the chairman of the public and separate boards of education and such other members as the council and boards may agree to appoint⁵
13. all capital spending by the regional public board of education be first approved by the regional council, provided that the board shall have the right to appeal a council decision to the O.M.B. ⁶

In the course of preparing this Report a questionnaire was used. One question was "Which of the municipal functions listed should be performed by separate boards or commissions?" Although of limited value⁷ the response indicated that some persons thought that the following functions, listed in descending order of frequency mentioned, should be administered by special purpose boards: hydro, water, libraries, welfare, health, conservation, museums, cemeteries, police, planning

¹Ibid., p.x-73.

²Ibid., p.x-74.

³Idem.

⁴Ibid., pp.x-74,x-75.

⁵Ibid., p.x-75.

⁶Ibid., p.x-89.

⁷The sample was small (155 returned questionnaires). It is not clear what functions were listed. It is not clear how many of 84 respondents who did not indicate at least one function favoured the abolition of all boards.

and industrial promotion.¹

It is interesting to note that this the first Local Government Study to feel that it was necessary to give reasons not for diverging from general legislation, but for diverging from previous regional legislation. After recommending that water be a council, rather than a P.U.C. responsibility, the Study stated:

It is realized that this is a controversial recommendation, and that the study does not have all the evidence pro and con such a change before it at this time. It is apparent however, that if the final regional government report recommendation is to differ from the above, a very strong case will have to be made for diverging from the principle established in other regions.²

Significantly, although the Study sought to abolish inter-municipal special-purpose bodies, and although it recognized the need to make planning a council responsibility, the Study recommended the retention of one joint planning board (Couchiching Area Planning Board) and the acceptance of a joint planning committee comprising Metro Toronto, York Region, Oshawa Region, and the Province.³

Table 2 is a comparison of the views expressed in the local government reviews and related reports about boards and commissions.

¹Ibid., pp. VIII-99, VIII-101.

²Ibid., pp.x-72, x-73.

³Ibid., p.x-71.

+ - in favour
 x - retaining boards
 / - reject boards
 ? - optional
 - unclear
 R - regional
 L - local

TABLE 2

COMPARISON OF VIEWS EXPRESSED BY LOCAL GOVERNMENT REVIEWS AND RELATED REPORTS

Report	All boards but exceptions	Education	P. U. C.	Hydro-Electric	Transit	Conservation	Suburban Roads	Health	Welfare	Library	Emergency Measures	Committee of Adjustment	Hospitals	Planning	Parks	Community Centres	Police
Select Committee Municipal Act and Related Acts.							x	xL									
Ottawa-East-view and Carleton.	x	+		x		x	x	x		x			+	x			x
Royal Commission of Metro Toronto					+		+	+R		+R				x			
Niagara	?			x													
Peel-Halton	x	+		+						Urban x Rural							+
Ontario Committee on Taxation	?	+ Elementary x Secondary				+			x	x							

COMPARISON OF VIEWS EXPRESSED BY LOCAL GOVERNMENT REVIEWS AND RELATED REPORTS

Report	All boards but exceptions	Education	P. U. C.	Hydro- Electric	Transit	Conservation	Suburban Roads	Health	Welfare	Library	Emergency Measures	Committee of Adjustment	Hospitals	Planning	Parks	Community Centres	Police
Select Com- mittee Committee on Taxation		+															
Lakehead	?																
Muskoka	x		+			x					+			x			
Northern Ont- ario Alternative A							x		?	?							
Alternative B														x			
Hamilton- Burlington Wentworth	x	+		+	+	+	x			+				xR /L	x /	?	+
Waterloo	x	?	x	x	x	+	x	?	?	?	+	?		x	?	+	
Sudbury						+R			+					+ alter- ed		+	
Oshawa	x	+	x	+	x	+	x	x	x		+L			x		+	

Views of Municipal Associations

Some indication of the views of Ontario municipalities about local boards and commissions can be obtained from resolutions passed by the various municipal associations.

General

A number of associations and individual municipalities have indicated their general attitudes towards special purpose bodies. The Association of Ontario Mayors and Reeves suggested that:

. . . consideration be given to establishing one municipal body for the administration of education and all other local services.¹

The Association felt that such a reorganization would "re-establish the principle that these persons directly elected by the public should be responsible for establishing public policy and spending public funds".² A Study Committee of the Association of Ontario Counties proposed that:

. . . councils of all municipalities be given the authority to delegate to committees thereof, powers at least equal to those which can be exercised by boards of control and special purpose bodies.³

¹Association of Ontario Mayors and Reeves, Submission to the Government of Ontario, November 4, 1969, p. 9.

²Ibid., Appendix B, p. 2.

³Association of Ontario Counties, Recommendation from the Study Committee. 1967, Appendix II p. 12.

This Study Committee also suggested a number of ways in which the composition and organization of existing boards and commissions could be improved. The two most significant suggestions were:

that members of council be permitted to form a majority of all non-elected local boards and commissions;¹

that the authority which appoints members to a non-elected board or commission be given the power to recall its appointees and to fill all vacancies thereby created.²

There appears to be considerable support for the elections for members of council and local boards to be held on the same day and for the members to be elected for the same term of office.³

Many resolutions relating to boards have recommended financial changes. The Provincial Government has been requested to:

. . . rescind all sections of the various Acts where an elected municipal council has to raise monies from taxation for an appointed board or commission and where the right of appeal from same is placed in the hands of an administrative body or there is no appeal at all;

or

pay the full costs of all such boards and commissions.⁴

¹Idem.

²Idem.

³Ontario Municipal Association, Resolutions 1969; and Association of Ontario Mayors and Reeves, Resolutions, 1969.

⁴Association of Ontario Mayors and Reeves, Resolutions 1967, and Ontario Municipal Association, Resolutions, 1969.

Re-assessment at market value can considerably increase the revenue received by those special purpose bodies that can requisition funds from a municipality up to a certain mill rate. Accordingly, it has been suggested that the Province remove all references to taxes and require such boards to submit their annual budgets to municipal councils for approval.¹

Education

A great many resolutions relating to education deal with the problem of financial control over education costs. The Association of Mayors and Reeves has suggested a number of alternatives:

1. rigid provincial ceilings on education expenditures;
2. current and capital budgets be subject to approval of local councils. In case of disagreement the public would decide by referendum;
3. one municipal body administering education and all other local services;
4. councils within a school jurisdiction be permitted to collectively appoint 3 to 5 representatives to sit on school boards for liaison purposes.²

The City of Sudbury has suggested that the council or councils making up the majority of the assessment should have some right of appeal on the education expenditures.³ The

¹Ontario Municipal Association, Resolutions, 1969; and The City of Sudbury, Submission, January 27, 1970.

²Association of Ontario Mayors and Reeves, Submission to the Government of Ontario, November 4, 1969. p. 4.

³City of Sudbury, Submission, January 27, 1970.

Ontario Municipal Association has proposed that capital expenditures for education be approved by a majority of the participating municipalities having at least 50 per cent of the assessment of the area.¹ Another suggestion is that municipalities have the right to approve or reject all school board expenditures "subject to, in case of a deadlock, the right to appeal to the Ontario Municipal Board by either the Council or County School Board concerned".²

A more specific request concerned with the costs of boards of education has been that these educational bodies share with municipal councils the nomination and election costs, the tax billing and collection costs, and the cost of interim financing.³

It has also been suggested that the Provincial Government instruct local boards of education to make school premises available for recreation and any community purposes.⁴

Planning

The Study Committee of the Association of Ontario Counties has strongly recommended that planning be under the direct control

¹Ontario Municipal Association, Resolutions, 1969.

²Ontario Association of Rural Municipalities, Resolutions, 1970. It is not known whether this resolution was approved by the Association.

³Ontario Municipal Association, Resolutions, 1969.

⁴Ibid.

of municipal councils,¹ and that the boundaries for the planning area and the area of government responsible for planning should coincide.² Other associations have requested the Ontario Government to enquire into all aspects of planning in Ontario. Although these latter resolutions allude to recommendations for the abolition of planning boards they appear to ask only that the Province define the division of responsibility between the councils and the planning boards³.

Health

The Study Committee of the Association of Ontario Counties has stated that it opposes "the creation, for the provision of special services, of ad hoc bodies which cut across municipal jurisdictions". Instead it favoured making the areas of health units coterminous with regional governments as they were formed. It has also urged municipalities to ensure that a majority of the members of a health unit are elected people, as the legislation allows.⁴ The Association of Rural Municipalities has proposed that consideration be given to

¹Association of Ontario Counties, Report of the Study Committee Appendix 1, p. 13.

²Ibid., p. 15.

³Ontario Municipal Association, Resolutions, 1967;, and the Association of Ontario Mayors and Reeves, Resolutions, 1967.

⁴Association of Ontario Counties, op cit. p. 17.

incorporating the Victorian Order of Nurses with the health units.¹

Children's Aid Societies

It has been argued that:

. . . there is no justification for the continuation of Children's Aid Societies as corporate bodies when they are supported entirely by public funds.²

The Ontario Municipal Association has requested that the municipal councils be given power to control the budgets and operation of the Children's Aid Societies. Or, if the power is left with the Children's Aid Societies that the Province assume the entire cost of the societies.³ It has been suggested that municipal representation on the Children's Aid Society be more fairly distributed between the cities and the counties in cases where the society is jointly operated between a city and a county.⁴

Homes for the Aged

The Northwestern Ontario Municipal Association has urged the Ontario Government "to allocate a majority number of the members of the Board (of Management for the District Home for the Aged) to be municipal representatives with such members to

¹Association of Rural Municipalities, Resolutions, 1969.

²Association of Ontario Counties, Report of the Study Committee, Appendix 1, p. 19.

³The Ontario Municipal Association, Resolutions, 1967.

⁴Ibid.

be selected by the municipalities concerned as they see fit".¹

Public Utilities Commissions

The reserves of public utilities commissions were the subject of a resolution passed by the Ontario Municipal Association in 1967:

, , . that the Hydro Electric Power Commission of Ontario be requested to remove from its accounting regulations the requirement for establishing depreciation reserves for street lighting works, and to authorize local commissions to pay over to the municipalities the monies presently held in depreciation reserves for street lighting replacements, together with the full earnings by the local commissions for such reserves.²

Hydro Electric Commissions

The Ontario Municipal Electric Association has argued strongly against the abolition of hydro-electric commissions³.

Police Commissions

The Ontario Municipal Association has requested that the municipality be given majority representation on police commissions.⁴

¹ Northwestern Ontario Municipal Association, Resolutions, 1968.

² Ontario Municipal Association, Resolutions, 1967.

³ Ontario Municipal Electric Association, Submission to the Select Committee of the House of Assembly on the Municipal Act and Related Acts, September, 1964. Submission to the Minister of Municipal Affairs with respect to Municipal Electric Commissions within a regional government, March 12, 1970.

⁴ Ontario Municipal Association, Resolutions, 1968.

Libraries

It has been proposed by the Ontario Municipal Association that public libraries be eligible for Provincial subsidies whether under the direction of a library board or a committee of council and that the municipal council have the right to decide whether to use a committee of council or a library board.¹

Parks

The Ontario Municipal Association has also requested that consideration be given to placing the operation of recreation and park facilities under the direct control of the municipal council.²

At the Ontario Provincial-Municipal Conference held in April, 1970, two of the municipal spokesmen attacked local special-purpose bodies, and boards of education in particular. Speaking of county boards of education Mayor Newman of Whitby stated:

. . . by virtue of their absolute control over where and when their available capital dollars will be spent in a region, they, and not the municipalities are now setting the priorities that affect land use in the region . . . if the County Boards will not build schools, development no matter how well balanced cannot proceed.

¹Ontario Municipal Association, Resolutions, 1969.

²Ontario Municipal Association, Resolutions, 1968.

. . . the municipalities consider it imperative that legislation be enacted to provide at the very least for municipal control over the capital expenditures of County Boards of Education.¹

Mayor Swain of Kingston called for the realignment and co-ordination of regional services such as education and health, and stated that "existing entities must have greater justification than historic fact and their mere existence".² He continued:

We here today who represent municipal government must also reiterate our concern as to the plethora of special-purpose bodies that plague local government. The necessity for meeting the local service demands of the local citizens must be directly related to the accountability of elected officials to that local citizen. If accountability is diffused too greatly, it becomes meaningless and the citizen will cry out in vain against "red tape" and "buck-passing". No structural reform will be adequate that does not return to local councils many of the functions presently performed by boards and commissions.³

These resolutions and speeches indicate that there is considerable dissatisfaction with special purpose bodies in Ontario, especially with regard to finance. Although some associations have stated that they favour the abolition of many or all local boards and commissions, some would be content if the councils were given more control, especially financial, over these special purpose bodies.

¹D. G. Newman, "A Presentation on Regional Government", Ontario Provincial-Municipal Conference, April 24, 1970.

²E. Valorie Swain, "Keynote Address", Ontario Provincial-Municipal Conference, April 23, 1970, p. 13.

³Idem.

THE OPTIONS

It is suggested that in determining the future of local special purpose bodies these are three broad, not mutually exclusive options:

1. the status quo could be maintained;
2. modifications could be made to the system of special purpose bodies;
3. some or all local boards could be abolished.

In this paper it is assumed that the overall objective is to ensure that:

local government is government by a locally elected body which provides the type and level of co-ordinated local services desired by the majority of the inhabitants of the area. This means that this body must be accountable to the people, must be able to co-ordinate services, and must be able to determine its own priorities.

Using this criterion, it will be argued that selective abolition of local boards is the most desirable approach. Where this is not possible many changes should be made to the system of special purpose bodies.

This paper will concentrate on existing arrangements in, and proposals for, the southern or "organized" part of the Province. Differences in local administration and population

density make it impossible to consider both the north and the south together.

Status Quo

This first option would be the easiest to follow. However, the theoretical arguments presented in this paper, the opinions of experts in the field of local government, and the views of those experienced in the operation of these bodies, all indicate that such a policy is not compatible with a logical local government system nor would it please municipal politicians.

Modifications

If the criterion set out at the beginning of this section is accepted it is clear that most existing local special purpose bodies must be at least modified. Two alternative types of modifications are presented - administrative boards and advisory boards.

Administrative Boards

These boards would closely resemble those existing boards which administer services but which are not completely independent of council with regard to membership and finance. Administrative boards would have the following characteristics:

1. all members would be appointed by the municipal council;
2. a majority of voting members would be councillors;
3. the term of office would coincide with that for municipal councils;
4. council would have full control of the budgets of these boards;
5. the territorial area of these boards would coincide with that for local or regional municipalities.

1. Appointed boards

There would appear to be no general justification for electing members to special purpose bodies. Elected boards are, for their particular function, directly accountable to the public. However, elections prevent these boards from claiming to be 'removed from politics' or that they attract expert members of the public who will not run in elections - two of the 'advantages' attributed to special purpose bodies.

More importantly, as long as these boards, as well as council, can claim to have a mandate from 'the people' it is difficult for council to co-ordinate all services in the municipality or to assume control over the setting of priorities.

It is difficult for a municipal council to establish its policy precedence when it must work with a rival elected body which has a separate mandate from the same constituency.

2. Councillors as a majority

The obvious way to ensure co-ordination and to make these bodies accountable to the public is to make certain that the majority of their voting members are members of council. Additional non-voting 'citizen' members could be included on the board.

3. Term of office

Making the term of office coincide with that of the council would ensure that the appointments were clearly those of the present council.

4. Finances

The council must have full control over the budget of these boards if the boards are to be accountable, if council is to have the power to determine the priorities of the municipality, and if the council is to have flexibility in its tax policy.

5. Territorial jurisdiction

This provision is feasible in areas with regional government. In some cases the county unit could be used, for many services the territorial jurisdiction of the council is not great enough to provide the population considered large enough to support such professional services as health and conservation. Where necessary, some of these services may have to continue under inter-municipal special purpose bodies. The alternatives

of either one municipality providing a service beyond its boundaries and billing the others, or the Province administering the service will be discussed below.

With these five modifications, boards would be reasonably accountable to the council and in turn to the electorate. The participation of some 'citizens' would be continued. At the same time council's control over programmes would be reasonably ensured by its voting strength on the boards and by its financial control.

The same effect could be obtained by transferring the functions of boards to municipal councils committees, by encouraging councils to co-opt 'citizen' members to committees, and by allowing councils to delegate responsibilities to committees.

Another type of administrative board could also be considered. This type of board would resemble the administrative boards described above in all but one feature - councillors need not constitute a majority of board indeed need not be members of the board. Under this type of board co-ordination of local administration would be more difficult to achieve, but, as the council would have full control over the budgets of these boards, council control over major policy and local priorities would be ensured.

Advisory Boards

Under this scheme boards would not need to be accountable to anyone as their powers would be only advisory. Advisory boards could have the following characteristics:

1. the members could be selected by a variety of means:
 - (a) appointments by council.
 - (b) appointments by ratepayers groups
 - (c) appointments by service organizations
 - (d) co-option by the board itself
2. the membership of councillors could be optional;
3. the term of office could coincide with that of the council. Some term of office is probably desirable to prevent the group from becoming self-perpetuating and to facilitate organizations in changing their appointees. The same term as that used for the council is recommended;
4. the council could give the advisory board a small annual grant to cover organizational expenses;
5. the territorial area could be the same, smaller, or larger than that of the municipality.

This scheme would be similar to that of the council subsidizing 'citizen' organizations.

There are both advantages and disadvantages to establishing such advisory boards. This system would have the advantage of enabling 'citizens' to participate in an official fashion without detracting from the principles of democracy. It would be a formal device for the council to learn the views of the public and for the council to explain its policy to the public. It would be a means of providing some financial

support to interested persons wishing to make their views known to the municipal council. If any number of existing special bodies were abolished the establishment of advisory boards for these services would be a means of keeping the members of the former boards involved in public service.

There are, as well, a number of difficulties with advisory boards. If the advisory board could be appointed by a variety of bodies as proposed and if the council were to give these groups money the council would be placed in the position of deciding which citizens group to support. The council may have to choose between financing a group that generally supports council views or of financing a group that may often oppose council's thinking. If the advice of the advisory board is usually accepted then this board may be used as scapegoat. If the advice of the advisory board is rarely accepted members of the board may become discouraged and it will become difficult to attract good men to the board. In either case a system in which matters are discussed by an advisory board, and a committee of council and the council may be unwieldy. An increase in the number of official bodies involved in municipal business may confuse the electorate.

Abolition of Some or All Boards

In considering whether a board should be eliminated it is necessary to determine:

A. The justification of retaining the board. Each board, or type of board should be judged according to

1. whether its existence detracts or adds to the general criterion of good local government given above;

In essence

- (a) is the body accountable?
- (b) does it affect the co-ordination of services?
- (c) does it hinder the council in determining priorities?

2. whether there are advantages in the service being administered by a board, and;
3. whether the board has public support throughout the Province;

B. Whether the functions of abolished boards should be assumed by the

1. local council,
2. regional council, or the
3. Provincial government.

This paper will not discuss whether some functions that are presently controlled by local boards should be turned over to private enterprise. For example, there may be many good reasons for telephone systems operated by local telephone commissions

and public service commissions to be operated by Bell Canada but this type of consideration is beyond the scope of this paper. However, it will be suggested that the services of some volunteer agencies be placed under public control.

A number of factors need to be considered in determining which level of government should administer a particular service:

1. is it necessary to have uniform services throughout the Province or the region?
2. is local knowledge necessary or desirable in the operation of the service?
3. does the service require professional staff and/or expensive equipment? If so, what population is required to ensure the efficient use of such staff and equipment?
4. what is the required area or population for related services?

The bias in this paper is towards providing services at the local level unless there are strong reasons for administering the service over a larger area. Some services, because of staff or equipment or related services need to be on a regional level. Where strong Provincial standards are desired it would be preferable for the Province to administer the service directly rather than use the local or regional councils as Provincial agents. But for functions involving local discretion or policy making it is not desirable to use Provincial field offices.

ANALYSIS AND RECOMMENDATIONS

Because of the great differences in the functions, organization, and public acceptance of the many special-purpose bodies in Ontario it is not possible or desirable to advocate a uniform policy for all special-purpose bodies. This section applies the general framework outlined above to groupings of similar types of boards. Each group is examined to see if it meets the objectives of good local government stated on page 46 that is, is the board accountable; does it hamper co-ordination; does it hinder the determination of local priorities. Consideration is given to whether there are advantages to the functions of each type of board being administered through a special-purpose body. The amount of public support for each board is also assessed. When change is considered desirable an alternative is proposed.

Boards of Education and Separate School Boards

Accountability

Boards of education and separate school boards are elected and are therefore accountable to the local people. However, the statutory provisions for determining the number of members elected by public school voters, separate school voters and city or county voters depends not on population but on assessment.

Accordingly, this is representation by assessment rather than representation by population. To establish a system of representation solely on this basis indicates a lack of acceptance one of the principles of liberal democracy, that is - that all people are equal .

Co-ordination

The existence of special bodies for education does complicate the provision of a number of local services namely libraries, community facilities, and health. At present, boards of education establish libraries, sports facilities, and health services for schools. Municipal councils and other special purpose bodies provide similar facilities for the community. There is little co-ordination between the various programmes. Similarly, boards of education which plan for new school sites are isolated, while making these plans, from those who plan for the overall community. This increases the difficulty of achieving co-ordinated comprehensive local planning.

Determination of Priorities

These boards do, to a very great degree, hinder local councils in determining and meeting local priorities. Education expenditures for permanent improvements may not exceed a sum calculated at one mill in the dollar but for other purposes the council is required to pay the amount requested by the board of

education. Municipalities within the county may appeal their portion of total costs to arbitrators (who are the treasurers of the municipalities and the county treasurer) or to the Ontario Municipal Board. There is no appeal against the total amount requested by the board of education.

Approximately half of local revenue is spent on education. Clearly, existing boards of education and separate school boards considerably hamper municipalities in deciding how local taxes should be spent.

Advantages of the Board

Probably the main advantage to be gained by education being administered by boards is that this system simplifies the provision of separate religion schools. As the provision of a dual system is constitutionally necessary this may be an important consideration.

A popular argument in favour of the existence of separate boards for education is that education is so important that it must receive special attention. But if it is generally accepted that education is of great importance it will continue to receive particular attention if administered by an elected general or all-purpose government. Experience in England would indicate that most municipal councils administering education devote more time, interest (and probably money) to education than they do to any other of their functions.

Support

To most people in Ontario boards of education are an accepted fact. These boards are probably better understood than other special purpose bodies. Most Local Government Reviews have accepted the existence of boards for education; the Smith Committee alone thought it would be desirable to abolish boards for secondary education. Until the reorganization of Ontario's boards of education in 1968 it appears that few people considered changing the administration of education. With reorganization public opinion became very critical of the administration of education. Resolutions from municipal organizations indicate that councils are disturbed by their lack of control over education costs, the lack of formal liaison, and the reluctance of education boards to co-operate to ensure the most rational provision of other local services. However, few people in Ontario appear to be prepared at present to abolish boards of education. Most municipal **associations** stop short of abolition and recommend instead stronger financial control by council and formal liaison between councils and boards of education. Nevertheless, some municipal associations are suggesting the abolition of boards of education. It seems possible that the general discontent with boards of education may culminate in agreement that they should be abolished. There is a need to consider what level of

government should then assume the responsibility for education.

Proposed Alternative

Before determining which level of government should administer those functions now performed by boards of education and separate school boards, it is necessary to examine their present functions. In particular, one must know what decisions are made by the boards of education and what decisions are made by the Department of Education.

Broadly speaking, the Department of Education sets overall Provincial standards of education by determining what will be taught and what persons are qualified to teach. Boards of Education affect local standards by deciding which and how many teachers should be hired and at what salary and by providing the physical facilities in which the pupils are taught.¹

Boards of Education have many permissive ancillary functions. Some are purely administrative such as purchasing milk for pupils, providing text books, paying travel expenses of board members and teachers when attending conferences, providing accident insurance, and operating cafeterias for the use of staff and students. Other permissive functions, although related

¹Functions of Boards of Education are described in section 34 and 35 of The School Administration Act, R.S.O. 1960, Chapter 361, and amendments.

to education encroach on the services provided locally by other boards or by the local council: determination of territorial boundaries of schools, erection of schools, operation of playgrounds/parks/rinks ,establishment and maintenance of school libraries, provision of medical and dental inspection for pupils, determination of how school buildings, premises, and buses should be used, and the provision of free public lectures.

It seems advisable that the Province maintain Province wide minimum standards and ensure that the curriculum is common to schools throughout the Province. This simplifies the adjustment of children with mobile parents. It also assists those who provide further education in knowing what the educational background of their Ontario students is. Common standards for teacher training facilitate the training and mobility of Ontario teachers.

On the other side many educational decisions are probably more easily made with local knowledge, for instance, the determination of school boundaries and the acquisition of land for erection of school buildings. It is easier for such administrative matters as purchasing milk to be handled at the local level. It is much more difficult to say whether the level of educational standards should be determined locally. On the one hand it can be argued that parents should be able

to decide the quality of education that their children receive. On the other hand it seems unfair that a child's education should suffer because his parents and neighbours either can not afford to provide him with a good education or do not place a high value on education. The latest reorganization by the Department of Education - county and district school boards - can be seen as a compromise. These decisions are now taken not at the local level, not at the Provincial level, but at the county or district level.

Although there is a rather vague commitment on the part of the Department of Education to adapt their school administration boundaries to regional government boundaries as regional governments are established, there does not appear to be sufficient recognition of the rationale of this proposal. As outlined above, many functions of school boards overlap with those of the bodies providing libraries, health, recreation, and especially planning. It seems essential that the body planning the community should control where the schools are to be established. It also seems logical, from the point of view of providing professional staff and facilities, that the provision of health, libraries, and recreation should not be split into services to schools and services to the community at large. At present most of these functions are provided at the county

or regional level.

These points lead to the conclusion that:

THE FUNCTIONS OF SCHOOL BOARDS SHOULD BE CONTROLLED BY REGIONAL COUNCILS AS THESE ARE ESTABLISHED. IN ORDER TO INVOLVE LOCAL PEOPLE IN THE EDUCATION PROCESS AND TO PROVIDE LOCAL KNOWLEDGE IT MIGHT BE CONSIDERED DESIRABLE TO ESTABLISH ADVISORY BOARDS FOR EACH SCHOOL IN THE AREA.

If this is not possible two alternative reforms might be considered:

ONE ALTERNATIVE IS FOR THE RESPONSIBILITY FOR LOCAL EDUCATION TO BE PLACED UNDER APPOINTED ADMINISTRATIVE BOARDS OF THE TYPE DESCRIBED ON PAGE 48

A SECOND ALTERNATIVE IS FOR BOARDS OF EDUCATION TO BE COMPOSED OF MEMBERS ELECTED TO THE BOARDS PLUS MEMBERS OF NEW STANDING COUNCIL COMMITTEES FOR EDUCATION. THE CAPITAL BUDGETS AT LEAST, OF THESE BOARDS WOULD BE APPROVED BY COUNCIL.

The latter suggestion is an attempt to satisfy the apparent desire to retain elected boards for education and at the same time ensure co-ordination with other local functions and give financial control. However, this alternative would result in the election

of men who could no longer make the important decisions for education. This is an unsatisfactory compromise.

The main defect with these proposals is their failure to make special provision for the administration of separate schools. The first would make it possible to have an advisory board for separate schools but it is doubtful whether this would be considered sufficient protection for the minority religion. The other proposals would allow council to appoint 'citizen' members of the minority religion but it might be difficult to ensure that a majority of voting members were councillors, as presumably these councillors should also be of the minority religion. Possibly there is no reasonable alternative to a directly elected separate school board.

Public Utility Commissions, Hydro Commissions,
Public Service Commissions, Sewage Commissions, and
Telephone Commissions

Accountability

As with boards of education, these commissions are accountable in that they are elected by the people of the municipality.¹ The commissions, except for sewage commissions, are mainly financed by rates for the services they provide. As most of these services are used by virtually all residents, in

¹In cities over 60,000 hydro-electric commissions may consist of the mayor, one council appointee and one appointee of the Power Commission.

essence, the consumers, the financiers, and the voters are the same people. Accordingly, these boards, except for sewage commissions, are truly accountable.

Co-ordination

The services these bodies provide are among the most essential in any community. The provision of water, sewers, electricity, public transportation, and, to a lesser extent, telephones, has an important effect on the future development of any municipality. For proper planning it seems essential to co-ordinate utility planning and land-use planning. Some formal liaison between council and these commissions (except telephone commissions) does exist in the statutory requirement that the head of council be an ex officio member of the commission. Whether this provides sufficient liaison is questionable. It certainly does not vest these important functions in one decision-making body. Even within the field of public utilities it appears that a municipality can have five separate commissions: a public utilities commission, a hydro-electric commission, a sewage commission, a telephone commission, and a public service commission. Greater co-ordination of the local utilities alone might produce some economies in staffing and in the laying of services.

Priorities

In theory, the services of these bodies, except sewage commissions, are self-financing and cannot make a profit. Any surpluses are to be turned over to the municipal council. On this basis it could be said that these bodies do not hinder the council in determining priorities. However, the Ontario Municipal Board considers the debt of such commissions in determining whether a municipality can acquire more debt. And, with many different local bodies having the exclusive use of the various separate sources of local revenue the overall priorities of the municipality cannot be logically determined. Nor can a municipality have flexibility in tax policy.

Advantages of a Board

It is commonly maintained that as most of these boards operate a business they should be separate bodies. In this way tax funds and revenues from services can be kept separate. However, it is questionable whether such finances should be kept separate. For example, a municipality might desire to subsidize public transit in order to save money on road building and maintenance.

It is claimed that some hydro-electric commissions compete with other energy suppliers and as a result their rate setting procedure should be done in private. However, hydro-electricity rates are largely determined not by local commissions but by

the Ontario Hydro Commission.

Public Support

The Ontario Municipal Electric Association (OMEA) strongly opposes any changes in existing arrangements. The Ontario Municipal Association has passed a resolution asking only for a change in the matter of handling the reserve funds of such commissions. There would appear to be no strong feeling aimed at the abolition of these various utility commissions.

Proposed Alternative

Before any recommendations can be made regarding the future of utility commissions it would be necessary to be clear about:

1. the relationship between these bodies and OWRC and Ontario Hydro;
2. the relationship of these commissions to one another and the municipal councils;
3. the internal workings of these bodies. What do the commissioners do? What is done by their staff?

A better understanding of these factors might well change the following recommendations.

However, it seems that much of the higher level of policy regarding hydro and water is made by the Provincial bodies - OWRC and Ontario Hydro - and that local administration and local

policy is the job of local commissions and their staff.

Local responsibilities would appear to be of two main types:

1. policy making relating to the provision and distribution of basic services. These decisions are of the utmost importance to the planning and provision of all local services;
2. the day-to-day technical and clerical work of servicing and billing.

If these services are to remain municipal functions the former responsibilities would be most logically carried out by a body responsible for the overall planning of the area. In the latter case, there may be economies of staff and equipment, and these should be more logical timing of work if these services were carried out by the general technical and clerical staff of the municipality. Accordingly it is recommended that:

MUNICIPAL AND REGIONAL COUNCILS AND
THEIR STAFFS ADMINISTER MOST OF THE
FUNCTIONS PRESENTLY PERFORMED BY
UTILITY COMMISSIONS.

The significant question here is the division of responsibility between the Province, the local, and the regional council in the provision of water and electricity. It is considered that there is no need for the Province to take over the provision of all water supplies. However, because of the need to co-ordinate

the provision of water with the overall planning process and because it is necessary to have a reasonably large area to facilitate the hiring of water engineering experts and to ensure the reasonable and economic development of limited water sources it is desirable to place water-supply at the regional level. It is therefore recommended that:

WATER-SUPPLY BE A FUNCTION OF THE
REGIONAL COUNCIL.

At present the Ontario Hydro Commission wholesales electricity throughout the more populated portions of the Province and retails hydro to many rural areas. Most policy related to the provision of hydro-electricity is made by the Ontario Hydro Commission. At the same time there is considerable political pressure from local utility commissions to keep hydro as a responsibility of local commissions. For these reasons a number of options are presented.

THE RECOMMENDED LONGTERM ALTERNATIVES ARE

- (A) THE PROVINCIAL ASSUMPTION OF ALL HYDRO SERVICES.
- (B) THE DISTRIBUTION OF ELECTRICITY BY REGIONAL COUNCIL OR REGIONAL COUNCIL COMMITTEES.

If alternative A were accepted this would formalize the existing general informal arrangement. At present Ontario Hydro

develops the electricity sources and in large measure determines the local rates. At present local commissions make few policy decisions. This arrangement would also resolve the dilemma of what to do with the rural electricity systems as a result of any change to the existing arrangements.

Under alternative B, councils would be responsible for the planning and co-ordination of all local services and utilities. With this alternative changes could be made in the financial arrangements for electricity which would give local councils greater facility to determine their priorities and to have a flexible taxation policy. It is recognized that it may not be desirable to have a standard policy throughout the Province.

In the short term in areas where regional governments are established it is considered desirable for the provision of electrical energy to be administered at the regional rather than the local tier for two main reasons:

- the prime responsibility for planning is at the regional level. Because electrical services are very directly influenced by planning decisions the administration of electricity should also be at the regional level
- other utilities are, either wholly or in very large measure, at the regional level. To ensure co-ordinated service planning, electricity should also be at the regional level.

In addition, the fewer electrical utilities there are across the Province, the easier it will be for the Ontario Hydro Commission to develop common standards of services and rating. If it is not possible to have regional electricity utilities and area level utilities are desired, then the territorial jurisdiction of these should be no smaller than the area of the lower-tier municipalities.

In the short-run it is also assumed that there will be a separate utility used to administer electricity. Any departure from this policy is thought to be politically unacceptable at present. Individual commissions, the OMEA and Ontario Hydro have made it clear that they strongly support the elected commission system. The basic difference between an appointed and elected commission is that elected commissions are more independent of council than appointed commissions. Due to their separate mandate from the voters it is difficult for council to control elected commissions. Because the provision of electricity should be co-ordinated with other utilities and should be part of the total planning process, appointed commissions are preferred to elected commissions.

A uniform policy throughout the Province is not thought desirable because of the differences among regions. In regions

where much of the area is rural or contains many small urban communities, it may not be possible to establish a regional public utilities service. The policy needs to be flexible enough to be adapted to such conditions.

Accordingly:

THE RECOMMENDED SHORT TERM PROPOSAL IS
THAT UTILITY COMMISSIONS APPOINTED BY
REGIONAL COUNCILS DISTRIBUTE ELECTRICITY.

Conservation Authorities

Accountability

Conservation Authorities are probably the least accountable of all local special purpose bodies. The number of representatives for each municipality is determined only roughly according to population and is heavily weighted in favour of the less populated municipalities. In addition, the Province may appoint three voting members. The term of office of the appointees need not coincide with that of the municipal council. In some cases the chairman of the authority may be appointed by the Province. (The Chairman has a second or deciding vote in case of a tie). A municipality has no appeal on the total costs of any project. A majority of the authority commits all member municipalities whether or not their representative(s) voted in favour of the project.

Although the authorities are not accountable to any one municipality they are very much responsible to the Province. Besides having Provincial appointees almost every act of the authority is subject to the approval of the Minister or the Lieutenant-Governor-in-Council. As these authorities are heavily subsidized by the Province this control is probably desirable.

Co-ordination and Priorities

The above section makes it clear that the existence of an authority greatly hampers any municipality in determining its priorities in spending. It also ensures that the only co-ordination between the local planning, recreation, parks, water, and sewage programmes and those programmes of the authority is that the municipalities may be informed of conservation policy and the conservation authority in turn may be informed of the municipalities' plans. As the municipal appointees to the authorities need not be local council members even this information contact may be of limited value.

Arguments in Favour of the Board

It is generally assumed that in order for conservation to be administered on the local level that an inter-municipal special purpose body is necessary as local or regional government boundaries are unlikely to coincide with watershed boundaries. This argument will be examined below. Also some municipal

appointees are men with a particular knowledge of, and interest in, conservation.

Public Support

The general attitude towards conservation authorities appears to be that they must exist in order for conservation to be administered on a watershed basis. However, three local government reviews (Ottawa-Carleton, Niagara, and Muskoka) reject the need for such bodies.

Proposed Alternatives

Before recommending which level of government should assume the functions of conservation authorities the popular "watershed" argument needs to be examined. A number of the functions of the authorities are not dependent upon the watershed. These are, for example, the provision of parks, production of trees, research, prohibition or regulation of building below the high-water mark and generally the use of "lands that are owned or controlled by the authority for such purposes, not inconsistent with its objects as it deems proper". These may be considered to be the ancillary functions of the authority. Its main purposes, however, do need to be carried out on the watershed basis. These functions are:

1. to determine a programme whereby the natural resources of the watershed may be conserved, restored, developed and managed;
2. to create reservoirs;

3. to control surface water flow to affect floods and pollution;
4. to divert water courses.

Accordingly, it appears that the basic functions of a conservation authority must be administered on a watershed basis. But to regard conservation authorities as local or regional bodies is to ignore the fact that they function as advisory boards and local agents of the Province and that they are heavily financed by the Province. The only real tie with municipalities is the municipal financial contribution. For these reasons, it is suggested that:

THE PROVINCE DIRECTLY CARRY OUT AND FINANCE
COMPLETELY THE BASIC FUNCTIONS OF CONSERVATION
AUTHORITIES;

THE CONSERVATION AUTHORITIES BE RECONSTITUTED
AS ADVISORY BODIES TO THE PROVINCE WITH PROPER
REPRESENTATION BY POPULATION;

THE ADMINISTRATION OF CONSERVATION PARKS BE
THE RESPONSIBILITY OF REGIONAL COUNCILS.

Other Inter-Municipal Special Purpose Bodies

Inter-municipal special purpose bodies are generally established for some or all of the following reasons:

1. need, because of specialized staff and equipment, to have an area larger than one municipality;
2. desire to spread the costs of services to those that benefit;
3. desire on the part of Provincial departments to have a specialized local body with which to work.

Before regional government, inter-municipal services could be provided by the Province, by one municipality selling services to another, or by inter-municipal special purpose bodies. Placing too many services directly under the Province weakens local government. When one municipality agrees to buy services from another it loses control over the cost, timing, and quality of these services. Inter-municipal bodies are generally accountable to no one but the Province and hinder proper land-use and financial planning in any municipality.

In reorganizing the services of inter-municipal special purpose bodies the following should be considered:

1. are there any sound reasons for the Province directly administering the service?
2. are there any reasons why the areas of jurisdiction could not coincide with the regions for regional government?
3. are there any reasons for the regional council to appoint a board rather than administer the service directly?

Health Units

There would appear to be no reason for the Province to administer this service directly although the Province may want to ensure that there are some general Provincial standards. If the grant provisions for Health Units were altered there would appear to be no reasons why regional government boundaries would not be suitable for health regions. Nor would there appear to be any good reasons for health to be administered by a board.

Suburban Roads Commissions

With regional government the reason for suburban roads commissions would be removed. There would appear to be no difficulty in incorporating suburban roads into the regional road system which would be administered directly by the regional council. Municipal associations and local government reviews generally favour the abolition of suburban roads commissions with the introduction of regional government.

Emergency Measures Organizations: Joint Boards for Water, Sewage, Garbage, Hydro, Transportation, Roads, Fire, Police, or other Utilities Systems, and Services. Inter-Urban Boards of Management, Committees of Management - Homes for the Aged and Rest Homes

With the introduction of regional government there would appear to be no reason why the regional councils could not directly take over the functions of these boards.

Regional Library Boards and Union Library Boards

Although present regional library regions are much larger than regional government areas it would seem possible to operate libraries on the same region as regional government. It might then be sensible to have some functions, such as cataloguing, done by the Province as this would facilitate the hiring of highly trained staff, would eliminate duplicate work, and this is not a function requiring any local discretion. To justify the hiring of trained staff over a small area it might be sensible for the regional library staff to have greater responsibility for school and local libraries.

Regional Development Councils

As originally constituted, regional development councils were undemocratic but innocuous voluntary groups of private citizens and municipal appointees with little public money and few functions apart from regional promotion. They are still undemocratic but they now have more Provincial money and the significant function of contributing to and advising upon regional development plans. The fact that the Regional Development Branch of the Department of Treasury and Economics appears to be serious about formulating regional plans using these regional development councils for advice and approval, makes these bodies a direct threat to the whole concept of local or

regional democracy. If the Province is serious about local participation in regional development plans this participation should come from the elected multipurpose councils at the regional or, where there is no regional government, the local level.

Consideration could also be given to establishing regional development advisory boards composed of representatives from a number of regional councils. This would create bodies with areas large enough to enable regional councils to jointly consider Provincial regional economic plans and to contribute to and comment on these plans.

General

It is recommended that:

THE FUNCTIONS OF MOST INTER-MUNICIPAL SPECIAL-PURPOSE BODIES (HEALTH UNITS; SUBURBAN ROADS COMMISSIONS; EMERGENCY MEASURES ORGANIZATIONS; JOINT BOARDS FOR WATER, SEWAGE, GARBAGE, HYDRO, TRANSPORTATION, ROADS FIRE, POLICE, OR OTHER UTILITIES, SYSTEMS, AND SERVICES; INTER-URBAN BOARDS OF MANAGEMENT; COMMITTEES OF MANAGEMENT - HOMES FOR THE AGED AND REST HOMES; REGIONAL LIBRARY BOARDS; AND REGIONAL DEVELOPMENT COUNCILS) BE ADMINISTERED BY REGIONAL COUNCILS WHERE REGIONAL GOVERNMENTS ARE ESTABLISHED.

IN THE REMAINING AREAS THE DEVICE OF INTER-MUNICIPAL SPECIAL-PURPOSE BODIES SHOULD BE CONTINUED AS THE LEAST UNDESIRABLE METHOD FOR ADMINISTERING THESE SERVICES OVER AN AREA LARGER THAN ONE MUNICIPALITY. THE CONSTITUTION OF THESE BOARDS SHOULD BE CHANGED TO COMPLY WITH THAT PROPOSED FOR ADMINISTRATIVE BOARDS WHEN APPLICABLE.

Other Bodies with Special Territorial Jurisdiction

In this category can be placed a number of boards such as boards of management for improvement areas, boards of trustees for police villages, boards of trustees for improvement districts, statute labour boards, and local roads boards.

Boards of Management for Improvement Areas

These boards are entrusted with the "improvement, beautification and maintenance of municipally owned lands, buildings and structures in the area, beyond such improvement, beautification and maintenance as is provided at the expense of the municipality at large and the promotion of the area as a business or shopping area". The costs of these programmes are paid by an additional tax to properties assessed for business assessment.

IF THERE IS A NEED FOR THE FUNCTION OF BOARDS OF MANAGEMENT FOR IMPROVEMENT AREAS, THESE BOARDS

SHOULD BE CONSTITUTED AS ADVISORY BOARDS TO
COUNCIL.

Boards of Trustees for Police Villages

The aim of police villages is to provide special urban services to areas within townships and to ensure that these services are paid for by those who benefit. It is questionable whether such an elaborate device is necessary. It is suggested that

POLICE VILLAGES BE ABOLISHED AND AREA
RATES WITH OPTIONAL ADVISORY BOARDS BE
SUBSTITUTED OR THE AREAS BE INCORPORATED
AS MUNICIPALITIES.

Boards of Trustees for Improvement Districts

These Provincially appointed boards act as municipal councils in northern areas of the Province that are about to be rapidly developed or are in the process of such development. Until the area has a stable population this device is a useful way of providing local administration. It is important that improvement districts be abolished when the community becomes capable of electing persons to form a municipal council.

Statute Labour Boards and Local Roads Boards

Statute labour boards, a device to build and maintain roads through statute labour in areas without municipal organization, are being replaced by local roads boards. Local roads boards

enable landowners in areas without municipal organization to contract with the Department of Highways to construct and maintain local roads. The Province pays 66 per cent of the cost of these roads. These boards enable landowners to contribute jointly towards local roads and receive Provincial grants without providing other municipal services.

These boards with special territorial jurisdiction either perform functions in only part of a municipality or administer services in areas without municipal jurisdiction. In order to evaluate fully these boards consideration would have to be given to such important factors as the proper size of municipalities and the reasons for creating municipalities. Differences in population density throughout the Province make it undesirable to advocate uniform assessment of these boards in all parts of the Province.

Quasi-Judicial Bodies

The justification for establishing quasi-judicial boards is that there is sometimes a need to make decisions in disputes between government and citizens where it is not merely a case of deciding whether a citizen has complied with the law but of deciding whether the law should be slightly altered to accommodate special circumstances and yet keep the spirit of the

law. Besides being costly and time consuming, the courts are unsuitable in these circumstances as there is a need to have these cases adjudicated by persons who are familiar with government policy and who may also need to be technical experts. Although the government personnel are familiar with policy and the technical aspects it is considered that they can not be both judge and a party to the dispute.

Accordingly, in order to justify the existence of a quasi-judicial board it is necessary to determine whether its functions are really quasi-judicial or whether they could be reasonably handled by the government body concerned or the courts. The most significant question is whether these boards are being placed in the position where they rather than the government are making the policy.

Boards of Arbitration for Police and Fire

Without making a detailed study of boards of arbitration for police and fire (if indeed any have been established) it would appear that these bodies are sensibly constituted and perform a function which is not suitable for either the courts or the governing body.

Accordingly it is recommended that

BOARDS OF ARBITRATION FOR POLICE AND FIRE
BE RETAINED.

Housing Standards Committees

Housing standards committees have only limited powers - judging whether because of hardship an owner may be given a year's extension in which to improve his property. If such a policy is desired then there seems no reason to alter housing standards committees. However, to avoid confusion they might be renamed the housing standards boards.

HOUSING STANDARDS COMMITTEES SHOULD BE
RETAINED, BUT RENAMED HOUSING STANDARDS
BOARDS

Courts of Revision

There are now two types of courts of revision. One type, established under The Drainage Amendment Act 1968-69, hears appeals on the allocation of costs of drainage schemes. The other, established under The Local Improvement Amendment Act 1968-69, hears disputes arising from the distribution of costs for local improvements.

THE FUNCTIONS OF COURTS OF REVISION ARE APPROPRIATELY HANDLED BY QUASI-JUDICIAL BOARDS.
HOWEVER, IF THESE BODIES ARE IN FACT MANNED BY DIFFERENT PEOPLE THE NAMES OF THE BODIES SHOULD BE CHANGED TO MAKE THIS CLEAR. IF THEY ARE MANNED BY THE SAME PERSONS THE LEGAL

COMPOSITION OF THE BODIES SHOULD BE ALTERED. IN EITHER CASE TO RETAIN THE NAME COURT OF REVISION IS TO CONFUSE THE FUNCTIONS OF THESE BOARDS WITH THE PROVINCIAL ASSESSMENT REVIEW COURT WHICH ASSUMED MANY OF THE FORMER FUNCTIONS OF COURTS OF REVISION. AS THESE ARE QUASI-JUDICIAL BODIES COUNCILLORS SHOULD BE DISQUALIFIED FROM MEMBERSHIP.

Fence Viewers

Fence viewers might also be considered a local quasi-judicial body. Disputes over the cost of boundary fences are arbitrated by three fence viewers. It appears that these fence viewers are named by the municipality and selected by the landowner who originates the action. If the defending landowner objects to these fence viewers a judge may name the fence viewers who are to arbitrate. Some type of quasi-judicial body seems to be needed for this function. However,

THE EXISTING LEGISLATION REGARDING FENCE VIEWERS NEEDS CLARIFYING. IT MIGHT FURTHER BE DESIRABLE TO HAVE DISPUTES REGARDING FENCE COSTS ADJUDICATED IN THE SAME MANNER AS DISPUTES OVER LOCAL IMPROVEMENTS AND DRAINAGE SCHEMES. THESE THREE QUASI-JUDICIAL FUNCTIONS MIGHT BE CONSOLIDATED UNDER THE COURTS OF REVISION.

Committees of Adjustment

When compared with other local quasi-judicial boards committees of adjustment appear to have much wider policy powers. The committees may:

. . . authorize such variance for the provisions of the by-law in respect of the land, building, or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building, and structure, provided that in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained.¹

The committees may also permit severances:

. . . provided that the committee is satisfied that a plan of subdivision of the land described in the application . . . is not necessary for the proper and orderly development of the municipality.²

Potentially these provisions could enable the committee of adjustment to come into conflict with the planning authority. As the committee is the judge of how far its powers extend it is possible for considerable planning to be done by the committee of adjustment rather than the planning authority.

Land Division Committees

These committees are similar to committees of adjustment except they are established by upper-tier municipalities and although they have the power to alter sub-division by-laws, they

¹The Planning Act, RSO 1960, Chapter 296, s. 32b (1) Italics added.

²Ibid., s. 32b (2a). Italics added.

are not empowered to alter zoning by-laws. It is significant that these bodies appointed by the councils of counties, metropolitan, regional and district municipalities are empowered to vary the provision of by-laws passed by lower-tier municipalities.

It is suggested that the following arrangements would be more consistent with good planning:

COMMITTEES OF ADJUSTMENT AND LAND DIVISION
COMMITTEES SHOULD HEAR APPLICATIONS, MAKE
A WRITTEN DECISION, AND SUBMIT THIS TO THE
PLANNING AUTHORITY (THE COUNCIL). THE COUNCIL
COULD THEN EITHER ACCEPT OR REJECT WITH REASON,
THEIR DECISIONS.

It would then be clear that the council had the responsibility for all planning decisions.

Private Local Bodies

At the local level there are some private bodies that administer significant community services, and spend public money. Some also have legal powers which can affect all members of the community. These are: hospital boards, the Victorian Order of Nurses, children's aid societies, and societies for the prevention of cruelty to animals. These bodies are administered by local, public spirited persons selected by other local, public spirited persons. It appears that of these boards

only the children's aid societies have a formal membership connection with the municipalities - municipalities appoint representatives to children's aid societies. These bodies are not accountable; their existence does not assist the co-ordination of health and social services; and the compulsory contributions to children's aid societies hinder the municipal councils in determining their own priorities. There is a considerable body of local opinion that objects to the present compulsory municipal contributions to children's aid societies while these bodies are independent of council control. There appears to be little objection to the current handling of hospitals, the Victorian Order of Nurses and societies for the prevention of cruelty to animals.

In determining whether a service should be run publicly or privately three factors seem particularly important:

1. how is the service financed?
2. how important is the service to the community?
3. how much legal power accompanies the service?

Consideration should be given to replacing private bodies with public bodies when the service is largely financed by public money, when the service is considered essential to the well-being of the community, and when police powers over the general community accompany the service.

The services of the children's aid societies have been considered important enough to be financed by municipalities. These societies have been empowered to investigate relationship between parents and child and to assume the legal responsibilities of parents. There seems to be little reason for these services to be administered by public, separate bodies.

THE SERVICES OF THE CHILDREN'S AID
SOCIETIES SHOULD BE INTEGRATED WITH
OTHER MUNICIPAL SERVICES AND BE
DIRECTLY UNDER THE MUNICIPAL COUNCILS
WITH ADVISORY BOARDS IF LOCALLY DESIRED.
TO FACILITATE HIRING TRAINED SOCIAL
WORKERS THESE SERVICES SHOULD BE
ADMINISTERED AT THE REGIONAL OR
COUNTY LEVEL.

Municipalities have no obligatory membership or financial connections with societies for the prevention of cruelty to animals. Voluntarily, municipalities can pay societies, on a contract basis, to act as municipal agents in looking after stray animals. Significantly, societies may appoint inspectors who have all the powers of police officers. (Inspectors must now obtain search warrants before entering).

As municipalities have the choice of using the societies as agents or of performing their functions directly it is not

thought necessary to reconstitute societies for the prevention of cruelty to animals as public bodies. However, it is undesirable to allow agents of private bodies over whom the public has no control, to act as police officers. Accordingly,

SOCIETIES FOR THE PREVENTION OF CRUELTY
TO ANIMALS SHOULD BE CONTINUED BUT THEIR
POLICE POWERS SHOULD BE REMOVED.

The Victorian Order of Nurses is much less closely connected with municipalities than the children's aid societies. The municipalities have no formal representation on its governing bodies; municipalities give grants to the Victorian Order of Nurses but these are voluntary donations. Nevertheless, there appears to be a growing recognition that there is a need for home nursing services and more generally for a change in the care for persons who do not need to be in hospital but who do need some medical care.

TO INTEGRATE THE VICTORIAN ORDER OF NURSES
WITH OTHER MEDICAL AND SOCIAL SERVICES MIGHT
ASSIST THE DEVELOPMENT OF PROVISIONS FOR
HOME NURSING CARE.

The organization of hospitals is far too complex to be dealt with adequately in this paper. Hospitals are one of the most necessary community facilities or services.

IT IS QUESTIONABLE WHETHER HOSPITALS SHOULD
CONTINUE TO BE ADMINISTERED BY SEPARATE,
PRIVATE BODIES WHICH ARE NOT ACCOUNTABLE
AND WHICH HAVE NO CONNECTION WITH OTHER
LOCAL AND REGIONAL SERVICES.

Other Local Boards

The remaining local special purpose bodies,¹ for the most part, function over the same areas as municipal councils, and are appointed bodies.

Some of these bodies make important policy decisions; some control significant local services which bear directly on the overall planning of the municipality; some of the services are closely related to services presently administered by council; some spend a lot of money. The functions of these boards should be the direct responsibility of the local council. It should be optional for the municipality to form local advisory boards for these functions. If this is not acceptable, these services should be administered by administrative boards.

¹Air Harbour Commissions, Boards under Section 377 (69) of the Municipal Act, Building Development Corporations, Cemetery Boards, Community Centres Boards, Advisory Vocational Committees, School Board Advisory Committees, Boards of Health, Horticultural Societies, Public Library Boards, Boards of Park Management, Parking Authorities, Recreation Committees and Joint Recreation Committees, War Memorial Committees.

Other bodies administer services according to long established policy, have little effect on the overall planning of the area or the provision of other local services, and spend little money. It is difficult to decide what the future of these boards should be. As far as the provision of the service is concerned there would appear to be no great harm in leaving them as they are. However, from the point of view of producing a simply understood municipal system this is not desirable. To place such functions under separate administrative bodies of the type suggested on p. 48 would be to waste the time of councillors. Perhaps one administrative board combining many of these functions could be established. More desirably, a number of advisory boards could be established which could advise either the council directly or preferably a multi-purpose council committee. Or perhaps many of these services could be administered by civic employees who would report to a similar council committee.

Some functions, for instance planning, are easily designated as of great local importance and others such as boards for memorial windows, of only minor significance. The functions of these local boards will be regarded in different lights according to the municipality's problems and interests. Within a municipality the importance of a service will change over the years. Some provision should be made to allow the system to

be easily adaptable to changing conditions. In general, municipal councils should be free to choose how these local services should be administered and to make necessary changes as circumstances change. Grants or mandatory legislation should not hinder this choice. Accordingly it is recommended that:

MUNICIPAL COUNCILS SHOULD BE ALLOWED TO CHOOSE HOW THE SERVICES PRESENTLY THE RESPONSIBILITY OF MANY LOCAL BOARDS SHOULD BE ADMINISTERED. IT IS SUGGESTED THAT THOSE SERVICES THE MUNICIPALITY REGARDS AS IMPORTANT SHOULD BE ADMINISTERED BY COMMITTEES OF COUNCIL WITH OPTIONAL ADVISORY BOARDS OR BY ADMINISTRATIVE BOARDS. THE REMAINING SERVICES MIGHT BE COMBINED UNDER ONE ADMINISTRATIVE BOARD OR A NUMBER OF ADVISORY BOARDS TO COUNCIL COULD BE ESTABLISHED. IN SOME CASES THESE SERVICES COULD BE ADMINISTERED BY CIVIL EMPLOYEES.

Some boards, because of their generally accepted importance and because of current interest in them, will be discussed separately.

Planning Boards

In some respects planning boards function as advisory boards. A majority of members of planning boards are appointed persons who are accountable to no one. Financially, planning boards are completely dependent upon council. Decisions of the planning board must be approved by council.

However, under The Planning Act, a council may not initiate an official plan; it must originate with the planning board. In order to amend or repeal an official plan a council must either have the concurrence of the planning board or adopt the change by a two-thirds vote of all the members of the council. According to the Act all public works must conform with the official plan. These provisions ensure that planning boards have considerable power over any developments in the municipality.

Some Local Government Reviews and one municipal association favour the abolition of planning boards and the placing of planning under direct council control. Recent regional government legislation indicates Government acceptance of this principle. However, there are a considerable number of people in the Province who value the existence of planning boards. They argue that planning is a function that must be removed

from politics. They feel that councils will make planning decisions for personal gain or for short-term political advantage. It is also argued that the 'citizens' should be involved in the planning process and the way to achieve this is to place 'citizens' on planning boards.

While it is agreed that planning should be for the overall benefit of the municipality and while it is agreed that citizens should participate in planning, it is not agreed that planning boards help the achievement of these ends. Responsible municipal politicians, not appointed persons are in the best position to judge what the inhabitants of a municipality feel is best for the future of the area. 'Citizens' as a whole can participate more fully in planning by communicating their views to elected members of council than by having a few of their number, over whom they have no control, speak on their behalf.

In order for a municipality to control its development, both in a positive as well as a negative sense, in order for it to have positive control over co-ordination and the determination of priorities it is essential that the planning function be a direct responsibility of council. Again in order for local planning to be positive as well as negative, planning control should be placed at the same level as are placed the important

'instruments' of planning such as roads, schools, water and sewers. Accordingly,

REGIONAL COUNCILS SHOULD HAVE STRONG PLANNING POWERS. LOCAL COUNCILS COULD HAVE SUBSIDIARY PLANNING POWERS IF THIS IS CONSIDERED DESIRABLE. OPTIONAL PLANNING ADVISORY BOARDS COULD BE ESTABLISHED AT THE REGIONAL AND LOCAL LEVELS.

Boards of Police Commissioners

Boards of Police Commissioners need to be considered separately for a number of reasons:

1. the nature of the police function makes it necessary that citizens have confidence that the police carry out their function in an impartial manner.
2. police commissions have a dual function - police administration and licensing.
3. there is some debate over whether certain areas should be policed by local police forces or the Ontario Provincial Police.

At present boards of police commissioners are composed of the head of council, a judge designated by the Province and an additional Provincial appointee. If there is any dispute between the council and the board on the board's estimates or the adequacy of the number of members of the police force, the

Ontario Police Commission arbitrates. Disciplinary matters can be appealed from local boards of police commissioners to the Ontario Police Commission. The Ontario Police Commission trains almost all police officers in the Province. Therefore although boards of police commissioners are nominally local boards, local councils have little control over these boards and they could be considered to be Provincial agents which are partly financed by the municipality. Boards of Police Commissioners in the regional municipalities of York and Niagara and Metropolitan Toronto have one additional municipal appointee, but in these areas the Province also appoints an additional person.

These boards are not accountable to local councils, and probably have little effect on co-ordination of services in the municipality but they do hinder the council in determining its priorities. If the council does not agree to the boards estimates, or the boards opinion on the size of an adequate police force or police facilities the dispute is resolved by the Ontario Police Commission.

Because of the need for the administration of police to be seen to be free from such corruption, there are advantages in this service being administered by a board. At least there are advantages of having a judge on the board, as an indication of impartiality.

The Ontario Municipal Association has requested that the municipality be given majority representation on police commissions. It appears that there has been no request for police to be a direct council responsibility. In fact many smaller municipalities would prefer to be divested completely of the responsibility for police. For financial reasons and because they feel that the complexities of fighting organized crime are beyond their competence they favour the assumption of this responsibility by the Ontario Provincial Police.

Without considerable guidance from experts in police matters it is not possible to make any recommendation about which level of government should be responsible for police. The Police Act of 1967 indicates that it is questionable whether a town under 5,000 can provide adequate police service. But the provisions of the Muskoka bill imply that the land size of the municipality is also relevant. In most areas with regional government it seems reasonable to have a regional police force. In the remainder of the Province, excepting large urban centres, it may be desirable to use the Ontario Provincial Police.

However, if regional municipalities and other large municipalities are to have control over the police function, the present provisions for boards of police commissioners

need to be altered.

IF THERE ARE TO BE LOCAL OR REGIONAL POLICE FORCES THESE SHOULD BE CONTROLLED BY THE LOCAL OR REGIONAL MUNICIPALITY. A MAJORITY OF THE BODY ADMINISTERING POLICE SHOULD BE ELECTED COUNCILLORS. THIS BODY SHOULD INCLUDE A JUDGE TO ENSURE THAT THE BODY IS SEEN TO BE FREE FROM CORRUPTION. TO ACHIEVE THIS END THERE MAY BE MERIT IN CONTINUING TO CALL THIS BODY A BOARD RATHER THAN A COMMITTEE OF COUNCIL.

There appears to be no logic in the existing arrangement of licensing being a function of boards of police commissioners.

THE LICENSING FUNCTION SHOULD BE REMOVED FROM THE BOARD OF POLICE COMMISSIONERS AND BECOME A DIRECT COUNCIL RESPONSIBILITY. WHETHER, IN AREAS WHERE REGIONAL GOVERNMENTS ARE ESTABLISHED, LICENSING SHOULD BE A REGIONAL OR LOCAL RESPONSIBILITY COULD BE LEFT TO THE DISCRETION OF EACH REGION. ON BALANCE THIS APPEARS TO BE A FUNCTION THAT COULD BE ADMINISTERED BY THE LOWER-TIER.

Some Implications

If any number of the suggestions in this paper are accepted it might be considered desirable to make further significant changes in the municipal structure. To eliminate existing special purpose bodies and to give their functions to either the municipal council or administrative boards is to increase the number of responsibilities placed upon municipal councillors. It might then be considered necessary to enlarge the size of municipal councils and/or alter the role of municipal staff.

Size of Municipal Councils

To enlarge municipal councils would spread local responsibilities over a greater number of elected representatives. It would also lessen the reduction of persons involved in the political administration of local services. In addition, it would do something towards weakening one of the arguments against regional government, that is, that regional government would involve fewer local people and reduce accessibility. Appendix E discusses the advantages and disadvantages of large councils.

Role of Staff

The role of the staff in municipal government needs to be carefully considered. Detailed study may prove otherwise, but it appears that much of the time of municipal councils

and special purpose boards is spent not in deciding general policy but in making detailed administrative decisions.

While it is recognized that any division of decisions into policy decisions and administrative decisions is arbitrary it can be said that much of the time of elected persons is spent making decisions that logically follow from established policy. Especially if councils are not enlarged, the pressure of an increased work load will force local governments to reconsider the role of their staff. This in turn may prompt the necessary general review of the civic service.

SUMMARY AND CONCLUSIONS

This study has examined local special-purpose bodies under general Ontario legislation by looking at - the statutory provisions of these boards, the relevant Government policy statements, the opinions expressed in Local Government Reviews and the stated views of municipal organizations and spokesmen. It was recognized that differences of opinion regarding the value of local special-purpose bodies are a result of differences of opinion about the value of local government. The Government of Ontario has made it clear that one of its policies is to strengthen local government and that it recognizes that in order to achieve this end it is necessary to either make more functions the direct responsibility of municipal councils or to reinforce the municipal councils' power of appointment and fiscal control over special-purpose bodies.

With this policy in mind individual local special-purpose bodies and groups of similar local special-purpose bodies were examined in more detail to see which bodies needed to be changed in order to achieve local governments which were accountable to the local people, capable of co-ordinating local services and able to determine their own priorities. Consideration was also given to which level of government-the Province, the region

or the local municipality should be responsible for the service.

Generally, it is recommended that, where it is politically possible, local services should be the direct responsibility of municipal councils. Some services, notably conservation and hydro, might more appropriately be placed at the Provincial level. True local quasi-judicial boards should remain. In areas where regional governments are established it is recommended that the functions of inter-municipal boards be assumed by the regional councils.

Where it is possible to have the council carry out a service directly, it is suggested that optional advisory boards could be established. In cases where it is not possible to give the councils directly responsibility for a local administrative service it is recommended that boards appointed by council and subject to monetary controls by council should be established.

It is recognized that it is not possible or desirable in all cases to advocate uniform legislative provisions throughout the Province. Conditions in the south differ from these in the north. Different arrangements are possible in areas where regional governments have been established. Some services are of greater importance in some municipalities than in others. These differences must be kept in mind in recommending any changes

to existing special-purpose bodies.

Consideration should be given to allowing municipalities greater freedom of choice in their administrative arrangements. It is suggested that once the Province has allocated local responsibilities between the different categories and levels of municipalities that municipal councils might be allowed to determine whether they wish a function to be carried out by the council directly, a council committee, municipal employees or a board appointed by the council and subject to its financial control, and whether they wish to have formal advisory boards.¹ In this way administrative arrangements could be adopted to meet special circumstances and the wishes of the local people. To do this would be a recognition of two of the purposes for having local democratic governments - to enable local people to choose how their communities will be governed, and to have administrative arrangements adopted to meet local needs. It would also allow for experimentation - another advantage attributed to local government. If the Province would allow such freedom of choice for municipal councils it would be a significant step towards the Provincial objective of strong local government.

¹Provisions for inter-municipal bodies and quasi-judicial boards should probably continue to be made by the Province.

APPENDIX A

Some Statutory Provisions for General Special Purpose Bodies

1. Air Harbour Commissions
2. Boards of Arbitration - Fire
3. Boards of Arbitration - Police
4. Boards under Section 377 (69) of The Municipal Act
5. Building Development Corporations
6. Cemetery Boards
7. Children's Aid Societies
8. Community Centres Boards
9. Conservation Authorities
10. Courts of Revision - The Drainage Amendment Act
11. Courts of Revision - The Local Improvement Amendment Act
12. Divisional Boards of Education
13. County and District Combined Separate School Boards
14. Advisory Vocational Committees
15. School Board Advisory Committees
16. Emergency Measures Organizations
17. Fence Viewers
18. Boards of Health
19. Health Units
20. Committees of Management - Homes for the Aged and Rest Homes
21. Boards of Management - Homes for the Aged and Rest Homes
22. Horticultural Societies

23. Public Hospital Boards
24. Housing Standards Committees
25. Boards of Management for Improvement Areas
26. Boards of Trustees for Improvement Districts
27. Inter-Urban Boards of Management
28. Joint Boards under Section 377 (5) of The Municipal Act
29. Public Library Boards
30. County Library Boards
31. County Library Co-operatives
32. Regional Library Boards
33. Union Public Library Boards
34. Boards of Park Management
35. Parking Authorities
36. Planning Boards
37. Joint Planning Boards
38. Committees of Adjustment
39. Land Division Committees
40. Boards of Police Commissioners
41. Boards of Trustees - Police Villages
42. Public Service Commissions
43. Public Utilities Commissions
44. Hydro Electric Commissions
45. Recreation Committees and Joint Recreation Committees
46. Regional Development Councils
47. Boards of Management - Sanatoria for Consumptives
48. Sewage Commissions

49. Societies for the Prevention of Cruelty to Animals
50. Statute Labour Boards
51. Local Roads Boards
52. Suburban Roads Commissions
53. Telephone Commissions
54. War Memorial Committees
55. District Welfare Administration Boards

AIR HARBOUR COMMISSIONS

STATUTE	The Municipal Act, R.S.O. 1960, Ch. 249, S.377 (9), (amended 1965 and 1966).
FORMATION	Council may pass a by-law to establish one.
MEMBERSHIP	Council may establish a commission appointed by council.
FUNCTION	Control and manage air harbour or landing grounds.
FINANCES	Not stated.
INCORPORATION	Not incorporated.
CATEGORY	Administrative.
REMOVAL	Council may repeal by-law, or an amendment to <u>The Municipal Act</u> could take away this power.

BOARD OF ARBITRATION - FIRE

STATUTE	The Fire Departments Act, R.S.O. 1960, Ch. 145, as amended to date.
FORMATION	S.6 If an agreement cannot be reached, bargaining committee notifies council which requires all matters in dispute to be referred to a board of arbitration.
MEMBERSHIP	3 members one appointed by the council one appointed by the bargaining committee these two appoint the third who shall be the chairman.
TERM OF OFFICE	S.6 Board shall deliver a decision within 60 days after the last member appointed.
REMUNERATION	S.6 Each party shall assume its own cost of the arbitration proceedings and shall share the cost of the third arbitrator equally.
FUNCTION	conduct arbitration proceedings between council and bargaining committee of the fire fighters.
FINANCES	"Each party shall assume its own costs of the arbitration proceedings and shall share the cost of the third arbitrator equally."
PROVINCIAL CONTROLS	S.6 Where the members fail to appoint a third within 30 days, the Attorney General may, upon written request, appoint a third.
INCORPORATION	Not incorporated.
CATEGORY	Judicial.
REMOVAL	Amend the act to remove the arbitration process.

BOARD OF ARBITRATION - POLICE

STATUTE	The Police Act, R.S.O. 1960, Ch. 298, as amended to date.
FORMATION	Optional S.28 "may by notice in writing to the other party require all matters in dispute to be referred to a board of arbitration."
MEMBERSHIP	<p>S.28 If the police force has more than 10 members then:</p> <ul style="list-style-type: none">1 appointed by municipal or police commission.1 appointed by police affairs.1 appointed by other two members. <p>When the two members fail to appoint a third member within five days the Lt. Governor-in-Council may appoint a third member who shall not be a member of the board of police commissioners.</p> <p>If the police force has less than ten members then a single arbitrator is appointed by all parties.</p>
TERM OF OFFICE	S.28 and S.30 The Board is appointed when agreement cannot be reached and gives a decision within 60 days of commencement of arbitration proceedings.
REMUNERATION	<p>"Each party shall assume its own costs of the arbitration proceedings and shall share the cost of the third arbitrator equally."</p> <p>1968 amendment - "except that where the arbitrator is appointed by the Lt. Governor-in-Council, the cost of the third arbitrator shall be paid by Ontario.</p>
FUNCTION	Arbitrate pay and conditions disputes.
FINANCES	<p>"Each party shall assume its own costs of the arbitration proceedings and shall share the cost of the third arbitrator equally."</p> <p>1968 amendment --- "except that, where the arbitrator is appointed by the Attorney General, the cost of the third arbitrator shall be paid by Ontario.</p>

PROVINCIAL
CONTROLS

Lt. Governor-in-Council may appoint the third arbitrator if he is not selected within five days.

INCORPORATION

Not incorporated.

CATEGORY

Judicial.

REMOVAL

Amend the act to remove the arbitration process.

BOARDS FOR:

Monuments, memorial windows, tablets, parks, recreational areas, playgrounds, athletic fields, zoological gardens, natural history collections, observatories or works of art, or other places of recreation and amusement, arenas, auditoriums, health or community centres, stadia, museums, including public historical and similar buildings (connected with armed forces).

STATUTE	The Municipal Act, R.S.O. 1960, Ch. 249, S.377 (69).
FORMATION	<p>S.377-69 (e) "The council may appoint between 3 and 7 persons...as a board of management for any undertaking under this paragraph, and where the board is composed of 5 or more persons, at least 2 shall be council members."</p> <p>Joint boards: S.377-69 (f) "Where 2 or more municipalities..where the board is composed of 5 or more persons, at least 2 shall be appointed from among the members of the councils of such municipalities."</p>
MEMBERSHIP	<p>not less than three nor more than seven persons who are qualified to be elected to council.</p> <p>when board is composed of five or more persons, at least two shall be members of the council.</p> <p>can have joint boards.</p>
QUALIFICATIONS	S.377-69 (e) (f) "Who are qualified to be elected as council members."
TERM OF OFFICE	Not specified.
REMUNERATION	Not specified. Possible under Municipal Act S.407 or S.408.
FUNCTION	to manage, maintain, etc. the above services.
FINANCE	<p>council may prescribe fees for admittance to, or for the use of any of these undertakines,</p> <p>corporation may borrow money for these purposes.</p>
INCORPORATION	Not incorporated.
CATEGORY	Administrative.
REMOVAL	Council may repeal by-law or the act could be amended to take away power to establish such boards.

BUILDING DEVELOPMENT (HOUSING?) CORPORATIONS

STATUTE	Housing Development Act, R.S.O. 1960, Ch. 182, amended 1961-62 and 1966.
FORMATION	S.6 (2) (1966) Lieutenant-Governor-in-Council may constitute corporations to carry out S.6 (1) functions.
MEMBERSHIP	S.14 (b) The Lieutenant-Governor-in-Council may make regulations "providing for the incorporation, constitution and management of buildings development authorities." (No regulations at all have been passed).
FUNCTIONS	<p>S.6 (1) "To carry out the terms of any agreement (between Federal and Provincial Governments respecting joint projects for the development of land for housing purposes and for the construction of houses for sale or for rent as contemplated in Section 36 of The National Housing Act, 1954 (Canada) or to carry out any housing project including power to plan, construct and manage any housing project undertaken under any such agreement or otherwise, and including power to acquire land, and dispose of land in its own name.")</p> <p>S.8 (2) Any Ontario Corporation may carry out an agreement under S.6 (1).</p> <p>S.9 (1) A S.6 (2) Corporation may if requested by the municipality inquire into housing conditions and building development. The municipality has the power to expropriate under S.16 (3). The corporation may thus be an advisory body.</p>
FINANCE	<p>Any moneys required to be furnished by The Crown in right of Ontario under any such agreement shall be paid out of moneys appropriated therefore by the Legislature.</p> <p>Provincial Grants.</p> <p>Municipality may share costs of building and maintenance.</p> <p>Provincial grants-in-lieu of taxes.</p> <p>1961-62 Amendment.</p>

"When a corporation manages a housing development at the request of a municipality, the municipality shall pay to the corporation such fees for the management of the housing development as may be prescribed by the regulations made under this Act."

INCORPORATION	S.6 (2) Incorporated.
CATEGORY	Administrative.
REMOVAL	Amend the Act.

CEMETERY BOARD

STATUTE	The Cemeteries Act, R.S.O. 1960, Ch. 47, ss. 67 and 68.
FORMATION	<p>Optional, by by-law.</p> <p>S.67 Town or City: "Council owning or controlling a cemetery either <u>in or outside</u> of the limits, may by by-law transfer its control and management to a cemetery board . . . and may by the by-law define the duties and powers . . . "</p> <p>S.68 Township: "Council may by by-law appoint a board . . . (that) shall have and exercise all the powers and duties of the municipal council with respect to cemeteries in the township . . . "</p> <p>S.68 Village: Similar to township, but may administer cemeteries both inside and outside the village limits.</p>
MEMBERSHIP	The boards for both cities, townships and villages shall consist of not less than three no more than seven persons.
QUALIFICATIONS	None specified.
TERM OF OFFICE	SS.67, 68 (1) "During the pleasure of the council."
REMUNERATION	None specified or forbidden. Possible under S.407 of Municipal Act.
FUNCTIONS	<p>S.67 Municipal council defines the powers and duties of board for a city or town.</p> <p>S.68 A township board may exercise in the municipality all the powers and perform all the duties of a municipal council with respect to cemeteries in the township.</p> <p>A village board has similar powers to a township board not only with respect to cemeteries in the village but also as to cemeteries outside the village owned and controlled by the corporation of the village.</p> <p>S.61 Village and township boards may expropriate land since they have the powers of councils.</p>

FINANCES	S.63 The council of every municipality and the trustees of a police village . . may subject to SS.-5.59 of the act and the regulations . . make an annual or other grant to the owner of the cemetery. Sale of services and lots.
PROVINCIAL GRANTS AND CONTROLS	Not specified.
INCORPORATION	S.68 (2) City boards are not incorporated. Townships and village boards are incorporated.
CATEGORY	Administrative.
REMOVAL	Amend or repeal S.67 and S.68.

CHILDRENS' AID SOCIETY

STATUTE	The Child Welfare Act, 1965, S.O. 1965, Ch. 14 as amended to date.
MEMBERSHIP	S.7 "A Childrens' Aid Society shall be governed by a Board of Directors composed of such municipal representatives as are determined under subsections two to six and the president, one or more vice-presidents, the secretary, the treasurer, and such other officers and members as are determined, elected in such manner and for such period as the by-law of the Society provide"
(Board of Directors)	
(Municipal representatives)	in city, separated town, or metropolitan municipality- not less than four appointed from among themselves by the municipal council
(County)	ditto for County.
When a C.A.S. has jurisdiction in an area that included a county or part of a county outside a city, separated town or metropolitan municipality:-	
	(a) one municipal representative shall be appointed from among themselves by the council of each county, city, separated town, and metropolitan municipality in the jurisdiction; and
	(b) the council of the county, city, separated town or metropolitan municipality having the largest population as determined by the last revised assessment rolls shall appoint from among themselves such other municipal representatives as are required, so that the total number of municipal representatives on the Board of Directors is not fewer than four.
(Executive Committee)	"The Directors shall pass a by-law providing for the election from among their number of an executive committee of nine members consisting of the president, the treasurer, four municipal representatives, and three other directors, and to delegate to the executive committee any powers of the board of directors, subject to the restrictions, if any, contained in the by-law or imposed from time to time by the board.
QUALIFICATIONS	Set out in membership.
TERM OF OFFICE	Provided for in the by-laws of the society.

FUNCTIONS

S.6 (2) (a) investigating allegations or evidence that children may be in need of protection,

(b) protecting children when necessary,

(c) providing guidance, counselling and other services to families for protecting children or for prevention of circumstances requiring the protection of children,

(d) providing care for children assigned to its care under this or any other Act,

(e) supervising children assigned to its supervision under this or any other Act,

(f) placing children for adoption,

(g) assisting unmarried parents and their children,

(h) any other duties given to it by this or any other Act,

S.8 (2) (i) prepare estimates of expenditures.

S.33 "Each C.A.S. has and shall assume all the rights and responsibilities of a legal guardian of the wards of the society for the purpose of their care, custody and control.

FINANCE

S.9 grants and payments from municipality,

S.13 Provincial grants,

S.12 of operating costs, municipality pays 40 percent, Province 60 percent, except Province pays 100 percent for care and maintenance of children of unmarried mothers. (1966)

Province can give additional aid to municipalities.

"Where the estimate (to council) is prepared in accordance with the prescribed standards, the municipal council shall grant its approval to the necessary expenditures." (1966)

PROVINCIAL GRANTS

See. D.M.A., Provincial Assistance to Municipalities, Boards and Commissions, Social and Family Services, 901-905.

PROVINCIAL CONTROLS

S.9 (2) Every estimate of a C.A.S. must be submitted to the Minister after it is approved by the municipal council.

INCORPORATION	S.6 (1) Incorporated privately by Letters Patent under The Corporations Act.
	S.7 (1) It must have a board of directors.
CATEGORY	Administrative.
REMOVAL	Amend the act. Since C.A.S. are privately incorporated they can be dissolved under <u>The Corporations Act</u> .

COMMUNITY CENTRES BOARDS

STATUTE	The Community Centres Act, R.S.O. 1960, Ch. 60 amended 1962-63, 1965, and 1968.
FORMATION	S.6 (1) Mandatory if a community centre is established by a municipality.
MEMBERSHIP	<p>S.6 (1) Not less than three persons qualified to be elected to council. Where the board is composed of five or more members at least two shall be members of council. Appointed by council annually.</p> <p>S.6 (3a) (1962-63) Notwithstanding subsection 1, where in the establishment of a community centre under this Act:-</p> <p>(a) aid in respect of the erection and maintenance thereof was granted by persons, societies or other bodies or municipalities not within the municipality that passed the by-law; or</p> <p>(b) contributions to the cost thereof were made under an agreement for the joint use of the community centre,</p> <p>the council of the municipality that passed the by-law may appoint as members of the board persons who are not qualified to be elected as members of the council, but the persons appointed to represent a municipality contributing to the cost of the community centre under an agreement for the joint use thereof shall be persons who are qualified to be elected as members of the council of the contributing municipality.</p>
QUALIFICATIONS	S.6 Must be eligible for election to council. Where the board is composed of 5 or more members, 2 shall be members of council.
TERM OF OFFICE	S.6 (3) Members shall be appointed annually by the council.
REMUNERATION	Not mentioned but could be paid under S.407 of the Municipal Act.
FUNCTIONS	Set out in regulations according to the Act. None under S.10 (c) defining the powers and duties of the board have been passed as yet.

FINANCE	Proceeds of the community centre's operations S.6 (5) municipal assistance as allowed by Section 377 (69) of The Municipal Act. Grants from Province.
PROVINCIAL GRANTS	See Department of Municipal Affairs, <u>Provincial Assistance to Municipalities, Boards and Commissions</u> , Agriculture 101
PROVINCIAL CONTROLS	S.10 Lt. Governor-in-Council may prescribe uses to which a community centre may be put, may prescribe the powers and duties of a board of management and provide for the appointment of officers of such boards.
INCORPORATION	Not incorporated.
CATEGORY	Administrative.
REMOVAL	Amend S.6 (1) of the act.

CONSERVATION AUTHORITIES

STATUTE	The Conservation Authorities Act, 1968, S.O. 1968, Ch. 15, amended 1968-69.
FORMATION	<p>S.2 Request for meeting by resolution of 2 or more councils within a watershed. All affected municipalities may send representatives to meeting.</p> <p>S.3 Conservation Authority established by Lt. Governor-in-Council if resolution from the meeting indicated that 2/3 of the invited municipalities requested the conservation authority.</p> <p>By S.7, S.2 and S.3 apply also to meeting called by three or more councils within two or more watersheds, and these sections apply also to enlargement of an authority, (S.8 (2))</p>
MEMBERSHIP	When a regional municipality has been established the regional municipality "shall appoint to each such authority the number of members to which the local municipalities would otherwise have been entitled as participating municipalities. (1968-69)
QUALIFICATIONS	S.12 (2) Members must be resident in a participating municipality.
TERM OF OFFICE	S.12 (3) Maximum of three years in succession.
REMUNERATION	S.36 "No salary, expenses or allowance of any kind shall be paid to any of the members of the authority without the approval of the O.M.B."
FUNCTIONS	<p>S.19 study conservation needs and provide for them e.g. dams, water courses and trees,</p> <p>acquire land including expropriation,</p> <p>provide recreational and parks facilities,</p> <p>S.32 Power to take over cemeteries and transfer graves - provisions for notice.</p>
FINANCE	<p>contributions from municipality calculated with regard for benefit,</p> <p>S.25 administration costs calculated on basis of equalized assessment,</p> <p>Provincial grants.</p>

PROVINCIAL GRANTS

Condition:
paid by the Minister in accordance with
conditions and procedures prescribed by Lt.
Governor-in-Council.

expenditures for which assistance is sought
must be approved by the Minister.

Eligibility:
Any Conservation Authority.

Project Category	Section of Act	Basis of assistance
Conservation Areas: land and development costs, roads, wood- land improvement, etc.	S.19 (c) S.19 (f)	50% or as approved.
Flood control	S.19 (k), 19(j)	50% (Federal grant to 75% possible)
Flood control engin- eering study	S.19 (k)	75%
Recreational Deve- lopment in conser- vation area	S.19 (n)	50%
Small reservoirs	S.19 (j)	75%

S.17 Where grant is made, Lieutenant-Governor-
in-Council may appoint a member of the authority
to the executive committee of the conservation
authority, and

S.12 (5) Where grant is made, Lieutenant-
Governor-in-Council may appoint up to 3 members
to the authority for a term of three years.

PROVINCIAL CONTROLS

On Membership:
Province may appoint to authority if grants
are made.

On Regulations:
All regulations are subject to the approval of
the Lieutenant-Governor-in-Council.

On Finances:
S.22 (1) If project costs extend into future
years, O.M.B. approval needed.

S.23 (3) and (4) O.M.B. hearings for apportion-
ment of authority costs among municipalities, and
its decision is final.

S.24 (3) O.M.B. may impose conditions on the raising of money by debentures, etc.

INCORPORATION

S.3 (4) Incorporated.

CATEGORY

Administrative.

REMOVAL

Repeal the act.

COURTS OF REVISION

STATUTE	The Drainage Act 1962-63, S.O. 1962-63, amended 1968-69
FORMATION	S.30(2) Mandatory so that appeals may be heard.
MEMBERSHIP	S.29(1) Five members appointed by council. May be Councillors. (1968-69)
QUALIFICATIONS	S.29(2) Members must be eligible to be elected a member of council or be a member of council. (1968-69)
TERM	Not stated.
REMUNERATION	S.29a(1) Members other than council members may be paid such remuneration and expenses as the council may by by-law provide. (1968-69)
FUNCTIONS	S.30(1) To hear disputes over distribution of costs of drainage schemes. This section deals only with appeals as to assessment. S.35 Appeals based on different grounds; i.e. non-compliance with the act, must be to a referee.
FINANCE	Court of revision apportions cost of hearing.
PROVINCIAL CONTROLS	S.32(1) Appeal may be made to county judge from court of revision.
INCORPORATION	Not incorporated
CATEGORY	Judicial
REMOVAL	Amend the act

COURTS OF REVISION

STATUTE	The Local Improvement Act R.S.O. 1960, ch. 223 1968 consolidation, amended 1968-69.
FORMATION	S.43. The Courts of Revision is mandatory as it must exist to hear complaints.
MEMBERSHIP	S.42a(1) Three to five members appointed by council. May be councillors.
QUALIFICATIONS	S.42a(2) must be eligible to be elected a member of council or be a member of council.
TERM	Not stated.
REMUNERATION	S.42a(1) Members other than councillors may be paid such remuneration and expenses as the council may by by-law provide.
FUNCTIONS	To hear complaints about the proposed special assessments for local improvements may reduce special assessment if court feels that property which has not been properly assessed, ought to be assessed, the court can fix and determine the amount of the assessment.
FINANCE	Not stated
PROVINCIAL CONTROL	S.51 Appeal may be made to a county judge.
INCORPORATION	Not incorporated
CATEGORY	Judicial
REMOVAL	Amend the act

DIVISIONAL BOARD OF EDUCATION

STATUTE	The Secondary Schools and Boards of Education Amendment Act, 1963, S.O. 1968, Ch. 122. The Schools Administration Act, R.S.O. 1960, Ch. 361, amended to date.
FORMATION	Mandatory S.83 (1) (1968) "A divisional school board shall be established in each school division, and the members of the board shall be elected.
MEMBERSHIP	<p>S.92 (2) Except for the divisional board of a defined city -</p> <ul style="list-style-type: none">(a) population less than 50,000 - fourteen members(b) 50,000 to 99,999 - sixteen members(c) 100,000 to 149,999 - eighteen members(d) 150,000 and over - twenty members, <p>provided that where a school division in the territorial districts comprises fewer than 4 municipalities not including territory without municipal organization that is deemed a district municipality.</p> <ul style="list-style-type: none">(e) less than 3,500 - 5 members(f) 3,500 to 4,999 - 8 members(g) 5,000 to 9,999 - 10 members <p>S.92 (4) & (5) This membership is qualified by the number of separate school trustees allowed on the board, and also must be proportioned between cities and county or district municipalities where these are present.</p>
QUALIFICATIONS	<p>S.98 (1) (1968) Qualified for election if:</p> <ul style="list-style-type: none">(a) a Canadian citizen(b) 21 years of age or over(c) resident within the school division,(d) Who, (1) in the case of the election of members by public school electors, is a public school elector, and (2) in the case of the election of members of separate school supporters, is a separate school supporter, (1968-69) <p>S.98 (2) (1968) may be re-elected.</p> <p>S.98 (3) (1968-69) A person is not qualified for election, who is:</p>

- (a) (1) a member of any other board, or
- (2) a member of a council of the municipality part or all within the board's jurisdictional area, or
- (3) an elected member of a local board of a municipality all or partly within the board's jurisdictional area, and whose term in the other school board or council still has at least 2 months to run before the new election's nomination meeting.
- (b) the clerk, or treasurer of a county of municipality all or partly within the boards jurisdictional area,
- (c) otherwise disqualified by this or any other act,
- (d) whose taxes or rents are unpaid or overdue at the time of the nomination meeting.

TERM OF OFFICE

S.92 (23) (1968) Two year term (from 1968 onwards).

REMUNERATION

The Schools Administration Act.

S.35 (14) Board may pay travelling expenses and fees to trustees attending meetings of Ontario Educational Association, etc.

S.35 (15) Board may pay costs of trustee's successful defense of a libel or slander proceeding.

S.35 (31) (1968) Board may provide (1) group accident insurance and (2) group public liability and property damage insurance for travelling on, or performing, board business.

S.36 (1) (1968-69) "A board may pay to each trustee, except members of a board of education who are not entitled to vote on a motion affecting public schools, for each month an honorarium not exceeding an amount based on the enrolment of September 30th of the previous year . . .

<u>Enrolment</u>	<u>Maximum Monthly, honorarium</u>
Less than 100	\$ 10
100 to 499	25
500 to 1,999	50
2000 to 4,999	100
5000 to 14,999	150

15000 to 29,999	200
30000 to 59,999	250
60000 or more	300

S.36 (2) (1968) The board may pay trustees who are not entitled to vote on public school motions, an honorarium of the amount specified in 36 (1).

S.36 (2a) (1968) The board may pay its Chairman 30% more than his honorarium as a trustee.

S.36 (3) (1968-69) The board may pay a member of an advisory vocational committee who is not a trustee, up to 1/2 of the scale specified in 36 (1).

S.36 (4) (1964) Board with more than 3 trustees may pay mileage allowance for board and committee meetings within board's jurisdiction.

S.36 (5) (1968) Board may pay expenses of trustee travelling on designated board business.

S.36 (6) (1964) Board may deduct from honoraria because of absence from board or committee meetings.

S.36 (7) (1968) "Subsections 4, 5 and 6 apply mutatis mutandis to members of,
(a) an advisory vocational committee,
(b) an advisory committee on schools for trainable retarded children, and
(c) a French-language committee for secondary school purposes,

who are not members of the board."

FUNCTIONS

S.83 (2) Every division board is a corporate body, and has all the powers and shall perform all the duties imposed upon a public or high school board and is a high school board for public school purposes.

FINANCE

1. expenditures for permanent improvements for secondary school purposes shall not exceed sum calculated at one mill in the dollar upon total assessment of the school division.
2. expenditures for permanent improvements for public school purposes shall not exceed sum calculated at one mill in the dollar upon total assessment of the taxable property

of public school supportors.
for other purposes councils must pay amount
demanded.
costs apportioned among municipalities in
propostic equalized assessment.

PROVINCIAL GRANTS

O.R. 82/69, as amended by O.R. 297/69.

"ordinary" expenditures equal "operating"
"Extraordinary" expenditures include "capital"

Types of grants

1. Ordinary purposes:

If net revenue fund expenditures less than
\$450 per pupil in elementary school, and
\$700 per pupil in secondary school,
then grant determined by formula (in O.R.)

Extraordinary purposes:

debt charges, transportation, etc. recongnized
extraordinary expenditures (r.e.e.) = portions
approved by Minister.

grant:

excess r.e.e. over the yield of the board's
capital mill rate on the provincial equalized
assessment from which it receives support.

2. Secondary Schools in Territorial Districts:

grant:

67% of secondary school tax levies on assessment
not previously in the secondary school district.

3. Trainable Retarded Children:

Grant to secondary school boards = 80% of operating
(ordinary) and 50% of extraordinary costs.

4. Boards on Tax - Exempt Land:

grant:

50% of ordinary costs, unless operated in
hospital of anatorium, where grant is 80% of
teachers' salaries plus 50% of all other operating
costs.

5. Education Mill Rate Subsidy:

to restrict mill rate increases, as per regulations
or agreements.

PROVINCIAL CONTROLS

O.M.B. decides on apportionment of sums of
municipalities in the school division if arbit-
rators deadlocked.

The Schools Administration Act S.84 (1) (i)
Inspector may recommend withholding provincial
grants when board fails to do certain things . . .

INCORPORATION	S.83 (2) Incorporated.
CATEGORY	Administrative.
REMOVAL	Revise the Education Acts.

COUNTY AND DISTRICT COMBINED SEPARATE SCHOOL BOARD

STATUTE	The Separate Schools Act, R.S.O. 1960 ch. 368 The Separate Schools Amendment Act 1968, S.O. 1968, ch. 125
FORMATION	S.78(1968) Mandatory "A separate school board shall be established for each county and district combined separate school board, and the trustees of the board shall be elected..."
MEMBERSHIP	S.84(2) (1968)-based on population of the municipalities involved. (a) less than 25,000 - 8 trustees (b) 25,000 to 44,999 - 10 trustees (c) 45,000 to 99,999 - 12 trustees (d) 100,000 to 199,999 - 14 trustees (e) 200,000 or more - 16 trustees
QUALIFICATIONS	S.25 (1968) Canadian citizen; not less than 21; eligible for re-election; presumed to have to be separate school supporter. (proposer, seconder of candidate must be separate school supporter)
TERM	S.84(17) (1968) two years
REMUNERATION	S.36 (1968) As for divisional boards of education (?)
FUNCTIONS	S.45 (1960) - Appoint necessary officers, auditors, provide adequate accommodation and legally qualified teachers, acquire or rent school sites and build school buildings; to requisition from council where it does not itself collect, funds to carry on school properties, and exercise such powers and perform other duties as applicable to the case of a separate school board.
FINANCE	Levy against separate school supporters, plus Provincial Grants.
INCORPORATION	S.79(1), incorporated
CATEGORY	Administrative
REMOVAL	amend the act. This may be impossible due to the B.N.A. act.

ADVISORY VOCATIONAL COMMITTEES

STATUTE	The Schools Administration Amendment Act, 1968, S.O. 1968 Ch. 121 and S.O. 1968-69 Ch. 114.
MEMBERSHIP	School trustees and others.
REMUNERATION	A member of the committee who is not a trustee may be paid an honorarium for each month not exceeding one-half of the amount provided in S.36 (1) (1964).
FUNCTIONS	Presumably advise on vocational training.
FINANCE	Members who are not trustees can be paid.
INCORPORATION	Not incorporated.
CATEGORY	Advisory.
REMOVAL	Amend the act.

SCHOOL BOARD ADVISORY COMMITTEES

STATUTE	The Schools Administration Amendment Act 1968-69, S.O. 1968-69 ch. 114 Part XII
FORMATION	S.111 Optional. "A board may establish a school board advisory committee".
MEMBERSHIP	<p>S.112 Three members of the board appointed by the board</p> <ul style="list-style-type: none">-chief education officer of the board or his nominee-six teachers employed by the board, appointed by the teachers in the employ of the board-four persons appointed by the board who are neither teachers nor members of a board, but who are residents within the jurisdiction of the board <p>for separate schools:</p> <ul style="list-style-type: none">- "When the Diocesan Council or Councils of The Federation of Catholic Parent-Teacher Associations of Ontario organized in the area of jurisdiction of the board so recommends, the board shall appoint to the committee two persons selected by the Council or Councils. <p>for boards of education:</p> <ul style="list-style-type: none">- (a) as for separate schools but one member(b) when the Home and School Council organized in the area of jurisdiction of the board so recommends, the board shall appoint to the committee one person selected by the Council, and(c) when no recommendation and appointment is made under clause (a) a recommendation and appointment of two persons may be made under clause (b) and when no recommendation and appointment is made under clause (b) a recommendation and appointment of two persons may be made under clause (a).
QUALIFICATIONS	Not specified.
TERM OF OFFICE	S.112 (5) One year S.112 (6) Shall not hold office for more than 3 successive terms.
REMUNERATION	S.114 (3) "The board shall pay such expenditures of the committee as are approved by the board".

FUNCTIONS

S.115 -make reports and recommendations to the board in respect to any educational matters pertaining to the schools, except salaries and personnel
-"The board shall consider any report or recommendations submitted to it by the committee and shall not refuse its approval without having given the committee or its representatives an opportunity to be heard by the board.

FINANCE

S. 114 (3) -"The board shall pay such expenditures of the committee as are approved by the board.

PROVINCIAL
GRANTS

None.

INCORPORATION

Not incorporated

CATEGORY

Advisory

REMOVAL

Amend the act.

EMERGENCY MEASURES ORGANIZATIONS

STATUTE	The Emergency Measures Act, 1962-63, Ch. 41 Amended 1965.
FORMATION	The Municipal Act S.378 (b) ii The councils of counties, cities, separated towns, separated townships and of local municipalities in un-organized territory may pass by-laws for the establishment and maintenance of emergency measures civil defense organizations.
MEMBERSHIP REMUNERATION TERM QUALIFICATIONS	Not stated.
FUNCTIONS	<p>S.4 (2) "Each county together with the local municipalities within the county that do not form part of the county for municipal purposes shall formulate a plan to provide for the continued functioning of municipal government and the necessary services of the municipalities in the event of an emergency."</p> <p>S.6a (2) The powers and duties of any official, board, or commission of the Government of Ontario may be delegated by an approved plan to any official board or commission of a municipality (1965).</p>
FINANCE	Councils may give money under the Municipal Act, S.378 (b) iii.
PROVINCIAL GRANTS	See D.M.A., <u>Provincial Assistance to Municipalities, Boards and Commissions</u> , Attorney General, 204.
PROVINCIAL CONTROLS	<p>S.5 (1) Plans shall be prepared under the supervision and guidance of the Commissioner.</p> <p>S.5 (2) Every plan and amendment is subject to the Attorney General's approval and he may make alterations.</p>
INCORPORATION	Not incorporated.
CATEGORY	Administrative.
REMOVAL	Amend the Municipal Act and the Emergency Measures Act.

FENCE VIEWERS

STATUTE	The Line Fences Act, R.S.O. 1960 Ch. 216.
FORMATION	S.1 (2) Mandatory if there are disputes.
MEMBERSHIP	<p>S.3 and S.6 All questions arising shall be adjusted by three fence viewers of the municipality and the decision of any two is binding upon the parties.</p> <p>If there is a dispute between owners or occupants of lands situated in different local municipalities then two fence viewers are from the municipality in which the owner or occupant notified and one is from the municipality on which the owner or occupant gives notice.</p> <p>Owner has the responsibility of notifying the fence viewers not less than a week before their services are required. Owner notified may object to any or all of the fence viewers notified and in the case of disagreement, the judge shall name the fence viewers who are to arbitrate.</p>
QUALIFICATIONS	Not stated.
TERM OF OFFICE	Not stated.
REMUNERATION	S.12 (1) Each fence-viewer is entitled to \$5 or such larger amount, not exceeding \$10, as the council by by-law taxes for every day's work under this Act.
FUNCTIONS	<p>S.5 To view and arbitrate as to what portion of a fence each owner shall make, keep up, and repair. The fence viewers shall examine the premises and if required by either party, shall hear evidence and may examine the parties and their witnesses on each.</p> <p>The fence viewers shall make an award signed by any two of the respecting the matters in dispute and the award shall specify the locality, quantity, description and the lowest price of the fence awarded to be made and the time within which the work shall be done and shall state by which of the parties or in what proportion the costs of the proceedings are to be paid.</p>

FINANCES	S.12 (2) Fence viewers determine which of the parties or in what proportion the costs of the proceedings are to be paid. Unless the fees are paid the municipality may collect the fees in the same manner as municipal taxes.
PROVINCIAL CONTROLS	S.11 (5) Appeals may be made to a County Court Judge.
INCORPORATION	Not incorporated.
CATEGORY	Judicial.
REMOVAL	Repeal the act.

BOARD OF HEALTH

STATUTE	The Public Health Act, R.S.O. 1960, Ch. 321, as amended to date.
FORMATION	Mandatory S.13 (1) "There shall be a local board of health for every municipality in Ontario, except where a health unit is established under this Act."
MEMBERSHIP	<p>S.13</p> <p><u>Any City or a Town of over 4,000</u></p> <p>(1) Mayor, (2) Medical Officer of Health (3) Resident Ratepayers.</p> <p><u>City over 100,000 (alternative form of membership)</u></p> <p>: (1) Mayor, (2) M.O.H. (3) 5 Resident Ratepayers, at least 2 of whom are not members of council - or 7 resident ratepayers - at least 3 not members of council.</p> <p>Town (less than 4,000) any Village Township or Improvement District - (1) Head of Municipality (2) Medical Officer, (3) 1 Resident Ratepayer</p> <p>Township - over 4,000: (alternative form of membership)</p> <p>(1) Head of Council (2) M.O.H. (3) 4 Resident Ratepayers.</p>
QUALIFICATIONS	Not stated.
TERM OF OFFICE	S.13 1 year for appointees.
REMUNERATION	O.R. 510/60, 6 (1), authorizes payment.
FUNCTIONS	<p>To superintend and ensure the carrying out of the Public Health Act and the regulations and any by-law of the municipality pertaining to public health, and to execute, do and provide all such acts, matters and things as are necessary for that purpose - e.g. investigate complaints re nursing or unsanitary conditions, disinfect houses, provide ambulance service; destroy infected clothing or other articles etc.</p> <p>S.27 The board shall investigate the complaints of resident householders and take all necessary steps under the act or regulations.</p>

S.46 Everyone desiring to establish an isolation hospital, institution, or sanatorium must go before the local board of the municipality for a hearing.

S.50 The local board has management and control of isolation hospitals established by the municipality.

S.52 In an emergency the local board can usurp land and unoccupied buildings without consent.

S.61 (1) The local board may close any church, hall or public gathering place to prevent spread of communicable diseases.

S.84 Power of entry for inspector or any member of a local board.

See schedule B - for by-laws in force in every municipality.

The board also has duties under S.16 of The Cemeteries Act.

FINANCE

S.20 "The treasurer of the municipality shall forthwith upon demand pay the amount of any account for service performed under the direction of the board and materials and supplies furnished, or for any expenditure incurred by the board or by the medical officer of health or public health inspector in carrying out this Act on the regulations or in carrying out its functions under any other Act or the regulations thereunder, after the board has by resolution approved of the account and a copy of the resolution certified by the chairman and secretary has been filed in the treasurer."

PROVINCIAL GRANTS

S.21a (1967) Minister may pay grants by the regulations to the board of health of a municipality that provides full-time public health services.

Types of Grants

(a) School dental services: O.R. 508/60

Conditions:

School dental services must be under auspices of local board of health or health unit.

Plan should meet community's needs.

Plan must be approved by Minister of Health.

Basis:

(1) 20% where population under local boards jurisdiction is less than 5,000.

(2) 30% where population greater than 5,000; total must be less than \$2,000.

(b) Venereal Disease clinics: O.R. 560/60

Condition:

- (1) Department's Officers may inspect clinics' facilities and records at any time.
- (2) All who apply to clinic must receive proper treatment.
- (3) No charge for services.

Basis:

for each clinic attendance:

\$1.50 basic rate plus additional grant(s) according to number of yearly clinic attendance.

(c) Expenses of local board of health: O.R. 405/67

Conditions:

- (1) board's budget and statement must be submitted each year for the Minister's approval.
- (2) payments reduced if the office of M.O.H. is vacant 40% reduction for one-year vacancy, 50% reduction for two year vacancy.

Basis:

25% of expenses.

(d) Community health services - capital projects- O.R. 79/68

Conditions:

- (1) applications submitted prior to issuing of tenders.
- (2) applicant must not mortgage, sell, etc., the facility without the Minister's approval.

Basis:

2/3 of approved costs of project (land, buildings, renovations, etc.)

(e) Ambulance Services: Ambulance Services

Act 1966 Chapter 7, 6 (2) O.R. 275/66

Conditions:

- (1) budget, financial statement must be submitted annually.
- (2) service must be (1) available on a 24 hour basis.
(2) adequate for needs of population it serves.

Basis:

50% of total expenditures, less revenue received.

INCORPORATION

S.14 Incorporated.

CATEGORY

Administrative and judicial (S. 46).

REMOVAL

Repeal S.13 (1).

HEALTH UNIT

STATUTE	The Public Health Act, R.S.O. 1960, Ch. 321.
FORMATION	Optional. S.35 (1) County Council may by by-law declare county to be a health unit. S.32 (2) "Councils of 2 or more counties...or as are designated by the regulations...may enter into agreements for the formation of a health unit." S.35 (6)(b) Minister may make regulations for constitution of board of health in a health unit, and its powers, etc.
MEMBERSHIP	must be by regulation.
QUALIFICATIONS	
TERM OF OFFICE	Not stated.
REMUNERATION	
FUNCTIONS	S.26 To superintend and ensure the carrying out of the Public Health Act and the regulations and any by-law of the municipality pertaining to public health, and to execute, do and provide all such acts, matters and things as are necessary for that purpose - e.g. investigate complaints re nursing or unsanitary conditions, disinfect houses, provide ambulance service; destroy infected clothing or other articles, etc.
FINANCE	"The expenses incurred by a health unit in establishing and maintaining the health unit and in performing its functions under this or any other Act shall be borne and paid in such proportion as is fixed by the regulations. (1962-63)
PROVINCIAL GRANTS	S.35 (9) Subject to regulations, Minister may grant assistance to the health unit as he deems proper. S.35 (6)(f)(1962-63) Minister may make regulations prescribing the amount, manner, method, times and conditions of payment of the grants to health units and 36 (9).
Types of grants	(a) Establishment and maintenance of health units: Conditions: grant reduced where office of M.O.H. is vacant:

50% if vacant for 2 years, 40% if vacant for
1 year

Basis:

- (a) 50% of municipal proportion of each municipality forming part of the health unit.
- (b) 75% of municipal proportion of each municipality forming part of a "district health unit."
- (c) unorganized area health grant to health unit that includes an unorganized area.

(b) School dental services:
As for local boards of health

(c) Venereal Disease clinics:
As for local boards of health.

INCORPORATION

No.

CATEGORY

Administrative - judicial.

REMOVAL

County may repeal the by-law establishing the unit, amend the act.

COMMITTEE OF MANAGEMENT

(Homes for the Aged and Rest Homes)

STATUTE	The Homes for the Aged and Rest Homes Act. R.S.O. 1960 ch. 174 as amended to date
MEMBERSHIP	<p>S.6(1) The council of a municipality or councils of municipalities establishing and maintaining a home (a joint home) may appoint from among the members of council (or councils) as the case may be, a Committee of Management,</p> <p>S.6(3) In a city having a board of control, the board shall appoint the Committee of Management,</p> <p>(a) not less than three but not more than five members of the council of the municipality;</p> <p>(b) S.6(2) joint homes -- not more than three members of the council of each participating municipality;</p> <p>S.6(4) Where the establishment of a rest home has been approved by the county council, there <u>shall</u> be a committee of management for the rest home. (1966)</p>
FINANCE	<p>-Residents pay,</p> <p>-Municipalities contribute according to assessment,</p> <p>-Provincial grants.</p>
INCORPORATION	No
CATEGORY	Administrative
REMOVAL	Amend the act

BOARD OF MANAGEMENT

(Homes for the Aged and Rest Homes)

STATUTE	The Homes for the Aged and Rest Homes Act R.S.O. 1960, Ch. 174, as amended to date.
MEMBERSHIP	<p>S.4 (1) A by-law authorizing the establishment and maintenance of a home under a board of management must be passed by a majority of the municipalities in a territorial district -- than all the municipalities in the district shall contribute to its establishment and maintenance.</p> <p>The Lieutenant-Governor-in-Council may appoint a board of management of not more than seven persons residing in the district (1968).</p>
QUALIFICATION	members must reside in territorial district of the home
TERM OF OFFICE	<p>fixed by Lt. Governor-in-Council in regulations.</p> <p>also requires that chairmanship change hands at regular intervals.</p>
REMUNERATION	not stated but could be paid under S.407 of the Municipal Act.
FINANCE	<p>Residents pay.</p> <p>Municipalities contribute according to assessment.</p> <p>Provincial grants.</p> <p>S.19 SS. (7)-(9) gives the Board borrowing power (1968-69).</p>
PROVINCIAL GRANTS	See D.M.A., <u>Provincial Assistance to Municipalities, Boards and Commissions. Social and Family Services</u> 916- 921.
PROVINCIAL CONTROLS	SEE ATTACHED SHEETS.
INCORPORATION	S.7 (1) Incorporated, but the Corporations Act does not apply to the board. S.7 (5) (1968-69).

CATEGORY	Administrative.
REMOVAL	Amend the act to take away requirement for a board appointed by the Lt. Governor-in-Council.

HORTICULTURAL SOCIETIES

STATUTE	The Horticultural Societies Act, R.S.O. 1960, Ch. 175, amended 1961-62.
FORMATION	<p>S.3 (1) A society may be organized in any city, town, township or village, or in a police village having a population of not less than 200, or in any two of them that adjoin each other.</p> <p>S.3 (2) In a city having a population of not less than 100,000 there may be two societies and for each additional 100,000 of population there may be an additional society.</p> <p>A horticultural society may be formed only when a certain number of people indicate a desire to do so.</p> <p>S.4 (2) In the case of a city having a population of not less than 30,000 the number of persons signing the agreement shall be at least 125; in the case of a city having a population of less than 30,000, the number shall be at least 100; in the case of a town having a population of not less than 2,000, the number shall be at least 60; and in the case of a town having a population of less than 2,000, and a township, village or police village, the number shall be at least 25; but, for the purpose of this paragraph, where a society is to be organized in two adjoining municipalities, the society shall be deemed to be in the larger of such municipalities.</p> <p>S.5 Upon the receipt of such report, the Superintendent, with the approval of the Minister, may declare the society to be a society within the meaning of this Act.</p>
MEMBERSHIP	<p>S.4 (7)(8) At the organization meeting, a president, 1st vice-president, 2nd vice-president and 10 directors are elected and they shall form the board of directors of the society.</p> <p>S.8 Every person aged 16 or over and every partnership or company may be a member of the society.</p>

QUALIFICATIONS	Must have paid \$1.00 signatory fee.
TERM OF OFFICE	President and 1st and 2nd vice-presidents hold office until the next annual meeting. 5 directors hold office until the next annual meeting and 5 until the following annual meeting.
REMUNERATION	Not specified.
FUNCTIONS	<p>S.9 (1) The object of a society is to encourage interest and improvement in horticulture by holding meetings for instruction and discussion, by interesting juveniles in the study of horticulture and by holding contests, by holding exhibitions and distributing literature.</p> <p>S.15 Subject to the society's by-laws, the board has the power to act for and on behalf of the society in all matters.</p>
FINANCE	<p>S.4 (3) Organizational fee of \$1.00 per signatory, S.8 (3) Annual membership fee of 50¢, S.20 Municipal grants.</p>
PROVINCIAL GRANTS	<p>S.19 (1961-62) Grants shall be paid to societies out of moneys appropriated for the purpose by the Legislature according to the following plan:</p> <ol style="list-style-type: none">1. Every society shall, during the first year of its existence, receive a grant amounting to 50 cents for every paid-up member as of the 1st day of July, but no such grant shall exceed \$75.2. Every society that has been in existence for more than one year shall receive a grant amounting to,<ol style="list-style-type: none">(a) 25 cents for every paid-up member during the previous year; and(b) one-quarter of the total amount expended by the society during the preceding year for horticultural purposes, in accordance with section 9,but no such grant shall exceed \$500.
PROVINCIAL CONTROLS	<p>Superintendent of Horticultural Societies,</p> <p>S.21 Minister may appoint inspector to look into the books and accounts of the society.</p>

INCORPORATION	Incorporated.
CATEGORY	Administrative.
REMOVAL	Repeal the act.

PUBLIC HOSPITALS

STATUTE	The Public Hospitals Act, R.S.O. 1960, Ch. 322, as amended to date.
FORMATION	S.4 (2) Applications to incorporate a hospital under The Corporations Act must receive the approval of the Ontario Hospital Services Commission.
MEMBERSHIP QUALIFICATIONS	S.8 (5) Special directors - life directors, term directors (10 yrs.) and honorary directors - and ordinarily elected directors.
TERM OF OFFICE	S.8 (4) A hospital may provide by by-law for the election and retirement of directors in rotation. No director shall be elected for a term of more than 5 years and 4 shall retire each year.
REMUNERATION	Not stated.
FUNCTIONS	<p>To provide efficient management for the hospitals under their control.</p> <p>S.9 A board may delegate its powers to a management committee.</p> <p>S.7 The board may pass by-laws to expropriate land.</p> <p>S.34 A municipality may appoint a hospital officer to gather information on indigent patients.</p>
FINANCE	<p>S.5 Provincial grants.</p> <p>The Ontario Hospital Services Commission may also make loans to the hospital.</p> <p>S.18 The municipality must pay the cost of resident indigents and may be liable for non-resident ones too. (S.19)</p>
PROVINCIAL GRANTS	S.5 The Commission may pay provincial aid to hospitals in such amounts, in such manner and at such times as the regulations prescribe.
PROVINCIAL CONTROLS	Hospitals are under the overall supervision of the Ontario Hospital Services Commission which sets

provincial standards.

S.8 A hospital shall pass by-laws as prescribed by the regulations and submit then to the Commission

INCORPORATION

Incorporated.

CATEGORY

Administrative.

REMOVAL

Amend the Act.

HOUSING STANDARDS COMMITTEE

STATUTE	The Planning Act R.S.O. 1960, ch, 296, 1970 consolidation
FORMATION	If an official plan that includes provisions relating to housing conditions is in effect in a municipality, it must pass a by-law establishing this committee.
MEMBERSHIP	S.30(a) (7) Three ratepayers appointed by the council.
QUALIFICATIONS	S.30(a) (7) Must be ratepayers in the municipality
TERM	S.20(a) (7) Term is designated in the by-law establishing the committee.
REMUNERATION	S.30(a) (7) Conditions of remuneration are prescribed in the by-law establishing the committee.
FUNCTIONS	S.30(a) (2) The municipality can compel owners to make repairs to or clear their property. S.30(a) (10) Upon application by the owner, the committee can grant an extension of not more than one year for this work to be done "provided that no extension shall be granted unless the committee is of the opinion that a refusal of the application would result in undue hardship." S.30(a) (12) A municipal officer has power of entry and inspection under the by-law
FINANCE	Not stated
PROVINCIAL CONTROLS	S.30(a) (4) OMB must approve all by-laws passed under this section.
INCORPORATION	Not incorporated.
CATEGORY	Judicial
REMOVAL	Amend act.

BOARD OF MANAGEMENT

for

IMPROVEMENT AREAS

STATUTE	The Municipal Act R.S.O. 1960, ch. 249, 1968-69 amendment S.379g(1)-(19)
FORMATION	S.379g(6) Optional. "May pass by-laws designating an improvement area." By-law may be repealed by council.
MEMBERSHIP	SS.6 Three to Seven members appointed by council "at least one of whom shall be a member of the council and the remaining members shall be persons qualified to be elected as members of the council assessed for business assessment in respect of land in the area.
QUALIFICATIONS	S.379g(6) One must be a councillor Others should be eligible for council and assessed for business assessment in respect of land in the area.
TERM OF OFFICE	S.379g(7) One year.
REMUNERATION	Salary not explicitly mentioned but could be paid under S.407 of the Municipal Act.
FUNCTIONS	SS.1 "improvement, beautification and maintenance of municipally owned lands, buildings and structures in the area, beyond such improvement, beautification and maintenance as is provided at the expense of the municipality at large, and the promotion of the area as a business or shopping area."
FINANCE	SS.16 council may approve, in whole or in part, or reject estimates "The council shall in each year levy a special charge upon persons in the area assessed for business assessment sufficient to provide a sum equal to the sum of money provided for the purposes of the Board of Management for that area, which shall be borne and paid by such persons in the proportion that the assessed value of the real property that is used as the basis for computing the business assessment of each of such persons bears to the assessed value of all the real property in the area used as the basis for computing business assessment.

PROVINCIAL CONTROLS	S.379g (18) No by-law designating an improvement area comes into force without the approval of the OMB and as a condition of its approval the OMB may impose restrictions, limitation, and conditions.
INCORPORATION	S.379g (6) Incorporated
CATEGORY	Administrative
REMOVAL	Council may repeal by-law under S.379g (1) Amend act to take this power away from the council. S.379g (3) If a petition signed by at least one-third of the people entitled to notice under SS.(2) representing one-third of the assessed value of the lands, object, then the by-law is ineffective.

BOARDS OF TRUSTEES FOR IMPROVEMENT DISTRICTS

STATUTE	The Municipal Act. R.S.O. 1960 ch.249 as amended to date S.522
FORMATION	<p>S.10(2) OMB upon the application of the Department of Municipal Affairs or of not less than 30 inhabitants of a locality having a population not less than 50 may incorporate the inhabitants of that locality or a larger or smaller area as an improvement district.</p> <p>Improvement district may be erected into a village upon the application of an improvement district having a population not less than 500 by OMB.</p>
MEMBERSHIP	S.522(1) 3 trustees appointed Lieutenant Governor in Council. If in area with a separate school one member shall be a separate school supporter.
TERM OF OFFICE	Not stated.
REMUNERATION	S.522(1a) Same as for members of council under S.405, and S.406. Chairman corresponds to head of council.
FUNCTIONS	<p>powers and functions of a township, a village or town as designated by the OMB and has functions of local boards except health and education.</p> <p>S.524-acquire and hold land for development purposes, survey clear grade and subdivide such land, sell, lease or dispose of the land.</p>
FINANCE	Presumably the same as a township, village or town as designated.
PROVINCIAL CONTROLS	<p>OMB considers applications.</p> <p>Department may apply to have an area incorporated as an improvement district.</p> <p>Trustees are designated by Lt. Governor-in-Council.</p>
INCORPORATION	S.10(2) incorporated
CATEGORY	Administrative
REMOVAL	Amend the act to remove this category of municipality or give it full municipality status.

INTER-URBAN BOARD OF MANAGEMENT

STATUTE	The Municipal Act, R.S.O. 1960, Ch. 249, as amended to date S.24.
FORMATION	<p>S.24 Optional. Created on application by a municipality or Department of Municipal Affairs to O.M.B.</p> <p>S.25 Dissolved by application to O.M.B. by the board of management or by any municipality within the area for which the board was established.</p>
MEMBERSHIP	SS. (7) and (10) The Ontario Municipal Board will divide the area into at least three wards having regard to population and size. One member for each ward; elected by every person within each ward whose name is on the voters' list for the municipality or that part within the ward.
QUALIFICATIONS	One member from each ward who is a resident of the ward and qualified to vote at municipal elections.
TERM OF OFFICE	S.24 (13) two years.
REMUNERATION	S.24 (9) and S. 405 May be paid in the same manner as a municipal council.
FUNCTIONS	Administer for the area any or all such matters as education, fire protection, police protection, highways, sewers, sewage disposal, garbage disposal, public health including hospitals, and hospitalization, welfare, parks or any public utility.
FINANCE	S.24 (36) Through rates levied on area based on equalized assessment and collected by local municipalities within the area.
PROVINCIAL CONTROLS	O.M.B. approves or rejects applications makes adjustments of assets, and liabilities between municipalities defines special areas within the area does all things necessary to carry out the order.
INCORPORATION	S.24 (9) Incorporated.
CATEGORY	Legislative, elected members, functions as a local council.

REMOVAL

Repeal this section of the Municipal Act.

S.25 The board can be dissolved on its own application or by any municipality within the area for which the board was established.

JOINT BOARDS FOR:-

WATER, SEWAGE, GARBAGE, HYDRO, TRANSPORTATION, ROADS, FIRE, POLICE,
OR OTHER UTILITIES, SYSTEMS AND SERVICES.

STATUTE	The Municipal Act, R.S.O. 1960, S. 377 (5).
FORMATION	S.377 (5) Optional (by by-law) "By-laws may be passed by the councils of all municipalities for entering into agreement with one or more municipalities to provide . . . " water, sewage, garbage, hydro, transportation, roads, fire, police or other utilities, systems or services, and for the establishment of joint boards of management therefore."
MEMBERSHIP QUALIFICATIONS TERM OF OFFICE REMUNERATION	Not specified; Possible under section 407 of Municipal Act.
FUNCTIONS	To provide efficient services.
FINANCE	Not stated.
PROVINCIAL GRANTS	Not specified.
INCORPORATION	Not incorporated.
CATEGORY	Administrative.
REMOVAL	The municipality may repeal the by-law. Amend the act.

PUBLIC LIBRARY BOARDS

STATUTE	The Public Libraries Act, 1966, S.O. 1966, Ch. 128.
FORMATION	S.3 (3) Mandatory. "Every public library (in a municipality) shall be under the management, regulation and control of a board, which is a corporation..."
MEMBERSHIP	S.5 (1) and (2) For an urban municipality (population of 10,000 or more) and a township (population of 10,000 or more): Mayor or Reeve Three members appointed by council Three members appointed by the Public School Board or Board of Education Two members appointed by The Separate School Board if any. S.5 (3) "When there is more than one board qualified to deal with public school affairs in a township or more than one separate school board having jurisdiction in a township, in each case, the board that is supported by the greatest amount of assessment in the township shall appoint the members to be appointed by the public school board, board of education or separate school board, as the case may be under subsection 2." "The board of a municipality having a population of less than 10,000 shall be composed of the Mayor or Reeve and four members shall continue to hold office until his successor is appointed."
QUALIFICATIONS	Canadian citizen; 21; resident of municipality for which board established; is not a member of any one of the bodies entitled to make an appointment to the board.
TERM OF OFFICE	S.5 (4) 3 years: appointee of council, public school board, board of education 2 years: appointee of separate school board.
REMUNERATION	Not specified. Not possible under S.407 of Municipal Act.
FUNCTIONS	S.17 Provide a comprehensive and efficient library service, operate a main library, May operate a number of branch libraries, reading

rooms, mobile units, deposit stations, art galleries, museums, and film or other special services in connection with a library.

S.16 (1) The board can expropriate land for its purposes and erect buildings.

S.22 (1) The board may make rules for the use of the library and may impose fines for the breaches of these rules.

FINANCE

S.23 (1) "Every board in each year shall prepare and adopt and submit to the council of the municipality, or to each of the councils of the municipalities, for which the board was established, on or before such time as the council may prescribe, estimates of all sums required during the year for the purpose of the board."

S.24 The board can raise money through the issue of municipal debentures.

PROVINCIAL GRANTS

O.R. 56/67, 340/67, 286/68, 163/69.

(a) Costs of library operation: all public library boards
approved cost:
population less than 10,000;
100% of expenditures to \$1.20 per capita.
50% of expenditures more than \$1.20 per capita.

population more than 10,000;
capital expenditure 100% to \$1.00 per capita and
50% above \$1.00 p.c.
operating expenditure 100% to \$2.50p.c.
and 50% above \$2.50 p.c.

basis of grant:
a certain % of approved costs, according to per capita assessment.

grant for libraries salaries.
total grant not less than \$400 or 40% of current expenditures (whichever is the lesser).

condition:
approved cost subject to Minister's approval.

(b) Costs of library operation: newly established boards (in operation for less than one year)
basis of grant:
as in (a), but for municipality greater than 10,000
on extra 20¢ per capita.

INCORPORATION	S.3 (3) Incorporated.
CATEGORY	Administrative.
REMOVAL	Amend the act.

COUNTY LIBRARIES

STATUTE	Public Libraries Act, 1966, S.O. 1966, Ch. 128, Part IV.
FORMATION	<p>Obligatory.</p> <p>S.47 (1) County library may be established by county council at request of county municipalities.</p> <p>S.48 (1) "Every county library shall be under the management, regulation and control of a board."</p>
MEMBERSHIP	<p>S.48 (2) "A county library board shall be composed of the Warden of the county and six members appointed by the county council, three of whom shall be members of the county council two represent a local municipality included in the area for which the county library was established and three of whom shall be persons resident in a municipality in which the board has jurisdiction who are twenty-one years of age and Canadian citizens and who are not members of the council."</p>
QUALIFICATIONS	<p>S.48 (2) For three non-council members appointed by the county council:</p> <p>Canadian Citizen. 21 or over. resident in a municipality of the county's jurisdiction. not member of the county council.</p>
TERM OF OFFICE	<p>S.48 (3) Other than councillors: 3 years.</p>
REMUNERATION	<p>Not stated. Not possible under S.407 of Municipal Act.</p>
FUNCTIONS	<p>1. Provide a comprehensive and efficient library service,</p> <p>2. Operate a main library,</p> <p>3. May operate a number of branch libraries, reading rooms, mobile units, deposit stations, art galleries, museums, and film or other special services in connection with a library.</p>

FINANCE

S.52 "The council of a county in which a county library has been established may by by-law provide for the levying of a rate, upon the equalized assessment of the municipalities that form part of the county for municipal purposes and that are included in the area in which the county library board has jurisdiction, sufficient to meet the amount estimated by the board to meet its operating costs as approved by the council, and such rate shall form part of the county rates for such municipalities."

PROVINCIAL GRANTS

O.R. 56/67, 340/67, 286/68, 163/69.

(a) for library operation:
"approved costs:" as for public library board
Basis:

(1) % of approved costs as for public libraries.
(2) greater of: (1) \$15,000, and (2) 60¢
per capita.

(b) newly-established board: additional 20¢
p.c. grant.

INCORPORATION

S.48 Incorporated.

CATEGORY

Administrative.

REMOVAL

Amend the act.

COUNTY LIBRARY CO-OPERATIVES

STATUTE	The Public Libraries Act, 1966, S.O. 1966, ch.128
MEMBERSHIP	S.53(3) County Warden and six members appointed by the County Council, three of whom shall be members of the County Council.
FUNCTIONS	Purchase and distribute books for circulation by its member organizations.
FINANCE	Provincial Grants.
INCORPORATION	Incorporated by S.53(1) which refers to S.84(1) The Public Libraries Act, R.S.O. 1960 ch. 325
CATEGORY	Administrative
REMOVAL	Amend the act. "When a county library co-operative has jurisdiction in an area for which a county library is established, the county library co-operative is dissolved and its assets and liabilities become assets and liabilities of the county library board."

REGIONAL LIBRARY BOARD

STATUTE	Public Libraries Act, 1966, S.O. 1966, Ch. 128 Part III.
FORMATION	<p>Mandatory</p> <p>S.38 A "region" has a population of 100,000 or more, and must include 2 or more territorial districts, or counties.</p> <p>S.40 "Every regional library system shall be under the management, regulation and control of a board."</p>
MEMBERSHIP	<p>S.40 (2) (a) one member appointed by the public library board in each municipality having a population of 15,000 or more in the region,</p> <p>(b) one member appointed by each county library board having jurisdiction in the region,</p> <p>(c) if the number of members appointed under clauses (a) and (b) is fewer than nine, such number of members appointed by the Minister to the extent that the number of members on the board will not exceed nine; and</p> <p>(d) if the number of members appointed under clauses (a) and (b) and (c) is fewer than nine, a number of members not to exceed the number of members appointed under clause (a) elected by the other public library boards having jurisdiction in the region to the extent that the number of members on the board will not exceed nine.</p>
QUALIFICATIONS	Not stated.
TERM OF OFFICE	S.40 (5) No more than 5 consecutive years.
REMUNERATION	Not stated. Not possible under S. 407 of Municipal Act.
FUNCTIONS	S.42 and S.49 establish a reference service, promote inter-library loans, establish centralized ordering, cataloguing, etc., adult education programs.

FINANCE

S.43 One or more municipal councils within the region in which a board has jurisdiction may, at the request of the board and subject to the approval of the O.M.B. raise the sums required by the board for the purpose of acquiring sites or purchasing, erecting, or altering buildings,

"A council of a municipality in which a board has jurisdiction may, at the request of the board, levy on the rateable property within the municipality a rate sufficient to provide a sum for library service in accordance with the terms of an agreement between the board and the council."

PROVINCIAL GRANTS

O.R. 56/67, 340/67, 286/68, 163/69.

(a) For costs of library operation:
"approved cost" is lesser of: total expenditure and all expenditures to \$1 p.c.
plus 50% above \$1 p.c.

basis of assistance:

- (1) as for public library board
- (2) (1) \$30,000 for each territorial district
(2) \$10,000 for each county or united counties.
- (3) lesser of: (1) \$20,000 and (2) \$20,000 for each 10,000 square miles or fraction thereof.
- (4) sum of 15¢ per capita in the region.

(b) cataloguing centre grant:
grant in the year that a regional library system board begins to operate a cataloguing centre.

basis:

- lesser of (1) cataloguing centre expenditures,
and
(2) 20¢ per capita.

condition:

only one new cataloguing centre in the province is so compensated in any one year.

(c) for operating costs of newly-established boards (as for public library board).

condition of all grants:

"approved costs" must be approved by the Minister to be so designated for grant purposes.

INCORPORATION	S.40 Incorporated.
CATEGORY	Administrative.
REMOVAL	Amend the act.

UNION PUBLIC LIBRARY BOARD

STATUTE	Public Libraries Act, 1966, S.O. 1966, Ch. 128.
FORMATION	<p>S.7 (1) and (3) Where 2 or more councils establish Union Public Libraries, it shall be under the management, regulation and control of a Union Public Library Board.</p> <p>S.7 (4) Union Public Library Board appointed by councils in members determined by the councils concerned.</p>
MEMBERSHIP	S.7 "A union public library board shall be composed of such number of members appointed by the council of each municipality concerned for such term of office as the agreement may provide.
QUALIFICATIONS	<p>S.7 (5) Those who are not council members shall be Canadian citizens, over 21, and residents of the municipality concerned.</p> <p>S.9 (1) Disqualifications: mentally ill, commits indictable offence, ceases to be resident, absent from meetings for 3 months or more.</p>
TERM OF OFFICE	S.7 (4) "For such term as agreement between the councils provides."
REMUNERATION	S.14 No salary, but travelling and other expenses.
FUNCTIONS	<p>Provide a comprehensive and efficient library service,</p> <p>Operate a main library,</p> <p>May operate a number of branch libraries, reading rooms, mobile units, deposit stations, art galleries, musuems, and film or other special services in connection with a library.</p>
FINANCE	<p>"Any agreement (between two or more municipalities to establish a union board) shall provide for the proportion of the cost of the establishment, operation and maintenance of the union public library, including the cost of existing libraries that shall be borne by each municipality."</p> <p>"Where a board is established for two or more municipalities, the board shall submit with its</p>

estimates a statement as to the proportion thereof to be chargeable to each of the municipalities, and if the estimates of the board are approved or amended and approved, by the councils of the municipalities representing more than one-half of the population of the area for which the board was established, the estimates are so approved and binding on all the municipalities in the area."

PROVINCIAL GRANTS	As for a Public Library Board.
INCORPORATION	S.7 (3) Incorporated.
CATEGORY	Administrative.
REMOVAL	Amend the act to remove this category of board.

BOARD OF PARK MANAGEMENT

STATUTE	The Public Parks Act, R.S.O. 1960, Ch. 329.
FORMATION	S.3 Mandatory if the Act is adopted by council.
MEMBERSHIP	<p>S.4 "The board is a corporation and shall be composed of the head of the municipality and six other persons, who shall be residents of ratepayers of the municipality, but not members of the council, and shall be appointed by the council."</p> <p>or</p> <p>"The council of the municipality may by by-law provide that the board shall be composed of such number of resident ratepayers, not less than three and not more than seven, as the by-law provides, but when the board is composed of five or more persons, at least two shall be members of the council."</p>
QUALIFICATIONS	<p>(1) either head of municipality and 6 other residents or ratepayers (not councillors)</p> <p>(2) or 3 or 7 resident ratepayers. When the board is composed of 5 or more persons, 2 shall be councillors.</p>
TERM OF OFFICE	S.5 (2) and S.6 Appointed members hold office for a 3 year term with some retiring each year.
REMUNERATION	S.7 (1) Members shall serve without compensation but each member may receive expenses.
FUNCTIONS	<p>The Board may pass by-laws for the use, regulation, protection and government of parks, avenues, boulevards and drives etc., assigned to it under this Act. It may license cabs and vehicles within the parks, let for year to year or for any period not exceeding ten years, the right to sell refreshments. The Board may attach penalties for the infraction of its by-laws which are recoverable in the same manner as municipal by-laws.</p> <p>The Board may also, if authorized by municipal by-law, manage, regulate and control any special undertakings established under paragraph 69 of S. 377 of The Municipal Act.</p>

S.13 (1) The Board may acquire by lease, purchase or otherwise, land rights and privileges required for park purposes under this Act, but the conveyance of such land shall be taken by the municipality. The Board has power to let land not immediately required for park purposes, or may sell such land as is not required upon such terms as may be deemed most advantageous.

S.15 The Board may expropriate any river, ponds of water, springs, etc., from land in the municipality or within five miles of a town, and ten miles of a city deemed suitable for the purposes of the Board.

S. 19 The Board may make rules governing parks and provide penalties for their breach.

FINANCE

The Council may increase or decrease the estimates of the Board of Park Management.

PROVINCIAL GRANTS

See Department of Municipal Affairs, Provincial Assistance to Municipalities, Boards and Commissions, Lands and Forests, 706.

PROVINCIAL CONTROLS

Municipal parks assistance available.

INCORPORATION

S.4 Incorporated.

CATEGORY

Administrative.

REMOVAL

Amend the act.

PARKING AUTHORITIES

STATUTE	The Municipal Act R.S.O. 1960, ch. 249, amended 1962-63 and 1966, S.377(68)
FORMATION	Optional. Council may create a parking authority. Authority may be abolished by repeal of the by-law.
MEMBERSHIP	Three qualified to be elected to council, appointed by at least two-third affirmative vote of council -- councillors excluded.
QUALIFICATIONS	Must be eligible to be elected to council.
TERM OF OFFICE	Term is for three years. May be staggered.
REMUNERATION	The members may be paid such salary or other remuneration as may be fixed by by-law of the council.
FUNCTION	Construction, maintenance, control, operation and management of municipal parking facilities.
FINANCES	Makes requisitions on council. Has no authority to issue debenture. Members' salaries are determined by Council. Net revenue derived from services must be used to establish a reserve fund to be applied:- <ol style="list-style-type: none">(1) against any interest and debentures falling due,(2) acquisition, establishment, etc. of additional facilities,(3) other purposes as Department of Municipal Affairs may approve.
INCORPORATION	S.377(68)(a) Incorporated
CATEGORY	Administrative
REMOVAL	Amend the act.

PLANNING BOARDS

STATUTE	The Planning Act, R.S.O. 1960, Ch. 296, 1970 Consolidation.
FORMATION	Mandatory S.3 (1).
MEMBERSHIP	<p>S.3 (1) Appointed by council of designated municipality.</p> <p>Appointments to planning boards of joint planning areas are subject to approval of The Minister.</p> <p>S.4 (1)(b) The Head of the Council of the designated municipality is an "ex officio" member, plus four, six or eight appointed members who are not employees of a municipality or of a local board. Members of council who are appointed to a board shall not constitute a majority of its members.</p>
QUALIFICATIONS	S.4 (5a) (1966) "When a member of a planning board becomes a member of a municipal council, he ceases to be a member of the planning board, but is eligible to be appointed annually subject to subsection 3."
TERM OF OFFICE	<p>S.4 (5) Not council members - 3 years; 1/3 of them returning each year.</p> <p>Council members; appointed annually.</p> <p>S.4 (6) Eligible for re-appointment.</p> <p>S.4 (5) (1968-69) Minister may vary term of office of members, in addition to other changes "in order to suit the special needs of any planning area."</p>
REMUNERATION	S.7a (1961-62) Members may be paid salary, expenses or allowance.
FUNCTIONS	S.10 Investigate and survey physical social and economic conditions in relation to the development of the planning area, prepare maps, texts, hold public meetings, consult with local board having jurisdiction within the planning area, prepare plan suitable for official plan, review official

plan from time to time and recommend amendments. Requires a majority vote of board to approve its recommended plans. Shall employ a secretary-treasurer, and may engage such consultants as deemed expedient.

FINANCES

S.7 (1) Planning board submits its estimates annually to the council of the municipality and the council may amend and pay to secretary-treasurer out of the moneys appropriated for the planning board such amounts as may be requisitioned from time to time.

PROVINCIAL GRANTS

S.8 (1) from municipality in planning area.

S.8 (2) from county in planning area.

No specific provisions for provincial grants to planning board.

PROVINCIAL CONTROLS

S.3 (1) Appointments to planning board of a joint planning area or to planning board of a planning area including unorganized territory, are subject to Minister's approval.

"The Minister may, in order to suit the special needs of any planning area, vary the constitution of the planning board, the procedures by which it is appointed, their term of office of its members, and the manner in which it is to function, and designate the functions of planning board within the scope of section 10, and make special provisions relating to the recommendation, adoption and approval of the official plan of the planning area. (1968-69)

INCORPORATION

S.4 (1) Incorporated.

CATEGORY

Advisory.

REMOVAL

Amend the act.

JOINT PLANNING BOARDS

The Planning Act, R.S.O. 1960, Ch. 296, 1970 Consolidation.

As Planning Boards

plus

Finances:

S.7 (2) "the planning board shall submit its estimates to the council of each municipality included in the planning area, and shall submit with the estimates a statement as to the proportion thereof to be chargeable to each of the municipalities."

"If the estimates are approved, or are amended and approved, by the councils of municipalities in the planning area representing more than one-half of the population of the planning area, the estimates are binding on all the municipalities in the planning area."

"If the council of any municipality is not satisfied with the apportionment, it may, within fifteen days after receiving the notice under subsection 4, notify the planning board and the secretary of the Municipal Board that it desires the apportionment to be made by the Municipal Board."

"Where all of the municipalities that form a county for municipal purposes or a majority of the municipalities in a county that form part of the county for municipal purposes are included in one planning area, the Minister may authorize the council, of the county to act on behalf of such municipalities for the purposes of this section."

"Where a county is chargeable under subsection 8, it shall recover its payments as part of the county rates from the municipalities on behalf of which it acts."

COMMITTEES OF ADJUSTMENT

STATUTE	The Planning Act, R.S.O. 1960, Ch. 296, 1970 Consolidations, Part IV.
FORMATION	S.32a (1) Optional. If a municipality has passed a by-law under section 30 or a predecessor of such section, it may constitute and appoint a committee of adjustment.
MEMBERSHIP	S.32a (1) not less than three persons appointed by council, members appoint chairman.
QUALIFICATIONS	<p>S.32a (2) and (3) council members and employees of municipality or local boards (excluding teachers) are ineligible.</p> <p>Must be a resident or ratepayer of a municipality.</p>
TERM OF OFFICE	S.32a (4) Term is for 3 years with 1/3 retiring each year.
REMUNERATIONS	S.32a (10) The members of the committee shall be paid such compensation as the council may provide.
FUNCTIONS	<p>S.32b (1) The Committee authorizes minor variations in by-laws relating to land, buildings or structures. It also allows changes in sub-division provisions under S.26.</p> <p>S.32b (3)(10) It makes its decisions by a formal hearing with notice to the parties affected and gives written decisions.</p> <p>S.32a (12) The rules of procedure of the committee must be approved by the Minister.</p>
FINANCES	S.32b (5) applicants pay fees.
PROVINCIAL CONTROL	S.32b (12) Decisions of committee of adjustment may be appealed to the O.M.B.
INCORPORATION	Not incorporated.
CATEGORY	Judicial
REMOVAL	Repeal S.32a and S.32b.

LAND DIVISION COMMITTEE

STATUTE	The Planning Amendment Act, 1970.
FORMATION	Where one or more municipalities forming part of a county for municipal purposes, or being within a metropolitan, regional or district municipality, do not have a committee of adjustment constituted prior to the 15th day of June, 1970 the council of the county, or of the metropolitan, regional or district municipality, as the case may be, shall, upon being notified in writing of this fact by the Minister, constitute and appoint a land division committee composed of such persons, not fewer than three, as the council considers advisable.
MEMBERSHIP	S.26a (i) Committee must be composed of not fewer than three members.
QUALIFICATIONS	S.26a (3) No member of council or employee of the municipality (county, regional, district or metropolitan) is eligible for appointment.
TERM OF OFFICE	Same as for Committee of Adjustment under S.32 a (4), term of three years with one-third of the members retiring each year (5) - eligible for reappointment.
REMUNERATION	Same as Committee of Adjustment under S.32a (10). The members of the committee shall be paid such compensation as the council may provide.
FUNCTIONS	The provisions of subsections 4 to 12 of section 32a and subsections 2a to 19 of section 32b apply mutatis mutandis to the land division committee, but the land division committee does not have jurisdiction to grant consents in respect of land situate in a municipality that has a committee of adjustment constituted prior to the 15th day of June, 1970 or constituted on or after the 15th day of June, 1970 if the municipality has an official plan approved by the Minister unless the council of such municipality passes a by-law authorizing the land division committee to grant such consents and the time provided for in subsection 5 has elapsed, or unless the committee of adjustment is dissolved.

FINANCE	S.32 (b) SS.7 - applies to Land Division Committee and allows it to prescribe a tariff of fees in respect of applications made to it.
PROVINCIAL CONTROL	S.32 b (12) The applicant, the Minister or any other person who has an interest in the matter may appeal to the O.M.B.
INCORPORATION	Not incorporated.
CATEGORY	Judicial.

BOARD OF POLICE COMMISSIONERS

STATUTE

The Police Act, R.S.O. 1960, Ch. 298, as amended to date.

FORMATION

S.7

(1) mandatory for municipalities with a population of 15,000 or over that provide a police force. (1967)

(2) (a) optional for counties or towns having a population of 15,000 or less

(b) optional for villages with a population between 5,000 and 15,000

(c) with the consent of the Attorney General for villages and townships with a population less than 5,000.

MEMBERSHIP

S.7

(a) The head of council.

(b) Two persons designated by the Lt. Governor-in-Council.

MEMBERSHIP FOR
JOINT BOARDS

(a) The head of the council of each of the municipalities (1965).

(b) Such judge and such other persons as the Lieutenant-Governor-in-Council designates (1965).

QUALIFICATIONS

(1) the head of council

(2) 2 persons designated by the Lieutenant-Governor-in-Council (1961-62).

TERM OF OFFICE

Not stated.

REMUNERATION

S.7 The council shall provide for a reasonable remuneration not being less than the minimum prescribed by the regulations to the members of the board designated by the Lt. Governor-in-Council and may provide for the payment of an allowance to the head of council.

FUNCTIONS

S.12 A board has the same power to summon and examine witnesses on oath as to any matter connected with the execution of its duties, to enforce their

attendance and to compel them to give evidence, as is vested in any court of law in civil cases.

Responsible for the policing and maintenance of law and order in the municipality, and government and control of all members of the police force who shall obey its lawful directions. Appoint members of the police force.

Pass by-laws (Section 395 - The Municipal Act) for licensing, regulation, and governing teamsters, licenses, sale of newspapers and magazines on the street; taxi-cab brokers; for requiring teamsters and livery operations to carry insurance as prescribed (Section 395) Licensing second hand goods shops, salvage yards (Section 399) Licensing salesmen (Section 400) Licensing sales of meat, tobacco sales, etc. (Section 403): regulating parades.

FINANCE

submits estimates to council.

1965 amendment

"Where the council does not agree with the board on the estimates or on the adequacy of the number of members of the police force or on the accommodation, arms, equipment or other things for the use and maintenance of the force, the Commission shall determine the question after a hearing.

PROVINCIAL CONTROLS

S.39b The Ontario Police Commission may act in an advisory capacity and may also investigate any matters relating to police.

Ontario Police Commission hears appeals on decisions of local police boards.

Ontario Police Commission may supervise and investigate local forces, may prescribe standards.

INCORPORATION

Not incorporated.

CATEGORY

Administrative - judicial.

REMOVAL

Amend the Act to place responsibility in different hands.

BOARD OF TRUSTEES (POLICE VILLAGE)

STATUTE	The Municipal Act R.S.O. 1960, Ch. 249, as amended to date.
FORMATION	S.491 Mandatory for every police village
MEMBERSHIP	S.492 (7) 3 elected trustees who qualify in respect of the prescribed qualification in respect of land situate in the village and resides in or within 2 miles of the village.
QUALIFICATIONS	Trustees must have prescribed qualifications in respect of land situate in the village must reside in or within 2 miles of the village.
TERM OF OFFICE	S.53. Two years.
REMUNERATION	S.494 - Any trustee may, subject to the approval of the Department of Municipal Affairs, be paid such annual or other remuneration as the trustees may determine.
FUNCTION	S.500 - May have statute labour performed, or commute such labour; repair side-walks, culverts, supply light, heat, power, etc. Seek assent of villagers for raising of funds for limited capital works in village; enter into fire protection agreements.
FINANCE	<p>S.496 (1) - The trustees may "require the council of the township in which the village is situate to cause to be levied, along with the other rates upon the rateable property in the village, such sum as the trustees deem necessary to defray the expenditure of the trustees for the current year.</p> <p>S.496 (3) - there is a limit of 1-½ cents in the dollar.</p> <p>S.497 (1) - "When a village comprises parts of two or more township, the proportion of the amount required to be levied in each township shall be determined by the assessors of the township.</p>
PROVINCIAL GRANTS	Eligible under terms of grant for grants payable to a municipality.

PROVINCIAL CONTROLS	S.25 (7) OMB has same powers in police villages as it does in other municipalities.
INCORPORATION	Not incorporated S.491 (2) The trustees may contract and may sue and be sued and may pass by-laws in the name of the trustees of the police village, but they are not personally liable upon their contracts.
CATEGORY	Legislative.
REMOVAL	Amend the act.

PUBLIC SERVICE COMMISSIONS

STATUTE	The Public Utilities Act, R.S.O. 1960, Ch. 335, as amended to date.
FORMATION	S.64 Commission is optional and may be created by by-law with the assent of the municipal electors or duties may be given to an existing public utilities commission.
MEMBERSHIP	<p>S.42 (1) "Three or five members as may be provided by the by-law of whom the head of the council shall be one ex-officio and the others shall be elected at the same time and place, and in the same manner as the head of council."</p> <p>"When a commission functions in a defined area or areas, the members shall be elected by the electors of the area or areas as the case may be."</p> <p>No member of council, except the head thereof shall at the same time be a member of the commission.</p>
QUALIFICATIONS	<p>Same as those for members of council as set out in Municipal Act.</p> <p>S.35, 36 Cannot be a member of council, except head.</p>
TERM OF OFFICE	S.42 (3) Elected members hold office for two years with one-half retiring each year.
REMUNERATION	S.44 (1) Salary, if any, shall from time to time be fixed by the council.
FUNCTIONS	<p>S.64 To construct, control and manage:</p> <p>(a) railway, electric railway, street railway, incline railway or bus transportation,</p> <p>(b) or, telephone system lines.</p> <p>S.35 and S.38 S.48 of the act apply to Public Service Commissions.</p>
FINANCE	S.41 (4) "The Treasurer of the municipality shall, upon the certificate of the commission,

pay out any money so provided."

"No rate to provide for the maintenance or management of any utility shall be levied except to the extent to which the revenues from the utility are insufficient for such purposes." Surplus forms general municipal funds.

PROVINCIAL CONTROLS

S.44 If the management of railways, buses, or telephone is entrusted to a public utilities commission that also manages hydro then the commission is subject to the same controls as hydro-electric commissions.

S.37 (5) The approval of the O.M.B. is requisite for sale or lease of a portion of the commission's property if it is used for the purpose of the undertaking. O.M.B. may require assent of the electors. Does not apply to leases for less than five years.

INCORPORATION

S.42 (1) Incorporated.

CATEGORY

Administrative.

REMOVAL

S.45 (1) Council may, by by-law passed with the assent of the municipal electors repeal the by-law that created the commission.
Amend the act.

PUBLIC UTILITIES COMMISSION

STATUTE	The Public Utilities Act, R.S.O. 1960, Ch. 335, as amended to date.
FORMATION	S.38 Commission may be established by by-law of the municipal council.
MEMBERSHIP	<p>S.42 (1) "Three or five members as may be provided by the by-law of whom the head of the council shall be one ex-officio and the others shall be elected at the same time and place, and in the same manner as the head of council."</p> <p>"When a commission functions in a defined area or areas, the members shall be elected by the electors of the area or areas as the case may be."</p> <p>No member of council, except the head thereof shall at the same time be a member of the commission.</p>
QUALIFICATIONS	S.42 Same as those for members of council as set out in the Municipal Act.
TERM OF OFFICE	S.42 Elected members hold office for 2 years with one half retiring each year.
REMUNERATION	S.44 The salary, if any, of the commissioners shall from time to time be fixed by the council and no member of the council, except the head, shall at the same time be a member of the commission.
FUNCTIONS	<p>May establish, maintain and operate waterworks.</p> <p>natural or artificial gas, electrical power or energy, steam or hot water "may manufacture, procure, produce and supply" such utilities,</p> <p>and, "may purchase, construct, improve, extend, maintain and operate such works as necessary,"</p> <p>all public utilities -- may fix rates.</p>
FINANCE	S.41 (4) "The Treasurer of the municipality shall, upon the certificate of the commission, pay out any money so provided."

"No rate to provide for the maintenance or management of any utility shall be levied except to the extent to which the revenues from the utility are insufficient for such purposes." Surplus forms general municipal funds.

PROVINCIAL CONTROLS

S.44 If the commission manages hydro then it is subject to the same controls as hydro-electric commissions.

S.37 (5) approval of the O.M.B. is requisite for the sale or lease of the portion of property acquired or held for a public utility undertaking as long as the portion is used for the purposes of the undertaking. O.M.B. may require assent of the electors. Does not apply to leases less than 5 years.

INCORPORATION

S.42 (1) Incorporated.

CATEGORY

Administrative.

REMOVAL

S.45 (1) Council may repeal, with the assent of the electors, the by-law establishing the commission.
Amend the act to remove this commission completely.

HYDRO-ELECTRIC COMMISSION

STATUTE

The Public Utilities Act, R.S.O. 1960, Ch. 336,
as amended to date.

The Power Commission Act, R.S.O. 1960, Ch. 300.

FORMATION

S.38 Optional - may be created by by-law of the municipal council. A by-law establishing a commission may be repealed by the council at any time with the consent of the Power Commission and it is not necessary to obtain the assent of the electors to the repeal. Upon the repeal of the by-law establishing the commission the control and management of the works are vested in council.

A municipal by-law may provide for placing all public utility works owned by the corporation under the control and management of one commission.

MEMBERSHIP

S.42 (1) "Three or five members as may be provided by the by-law of whom the head of the council shall be one ex-officio and the others shall be elected at the same time and place, and in the same manner as the head of council."

"When a commission functions in a defined area or areas, the members shall be elected by the electors of the area or areas as the case may be."

No member of council, except the head thereof shall at the same time be a member of the commission.

S.111 Power Commission Act.

In cities over 60,000 the commission may consist of three members:

- (1) the mayor of a city
- (2) one appointed by municipal council for 2 years
- (3) one appointed by Power Commission for 2 years.

The City of Toronto is excluded.

QUALIFICATIONS

S.42 Same as those for members of council as set out in the Municipal Act S.35, 36.

TERM OF OFFICE

S.42 Term shall be for two years with one half retiring each year.

REMUNERATION

S.44 The salary, if any, of the commissioners shall from time to time be fixed by the council and no member of the council, except the head, shall be a member of the commission.

FUNCTIONS

S.39 (3) "Where the corporation of a city or town has entered into a contract with The Hydro-Electric Power Commission of Ontario for the supply of electrical power or energy, a commission shall be established under this part for the control and management of the construction, operation, and maintenance of all works undertaken by the corporation for the distribution and supply of such electrical power or energy, and for the purposes of this subsection it is not necessary that the by-law receive the assent of the electors, or such control and management shall be entrusted to an existing public utilities commission, and where the commission is not entrusted with the control and management of any other public utility it shall be called "The Hydro-Electric Commission of The (naming the municipality)."

FINANCE

S.41 (4) "The Treasurer of the municipality shall, upon the certificate of the commission, pay out any money so provided."

"No rate to provide for the maintenance or management of any utility shall be levied except to the extent to which the revenues from the utility are insufficient for such purposes." Surplus forms general municipal funds.

PROVINCIAL CONTROL

The Power Commission:

- (1) determines the cost of power sold to a municipal corporation or commission.
- (2) has to approve applications for power and sets the terms of the contract.
- (3) must approve salaries of commissioners.
- (4) must approve costs, charges, and expenditures made by the commission for any joint purpose where one commission manages hydro and one or more other utilities.
- (5) must approve cost, charges, and expenditures incurred or made jointly by a commission with one or more utilities and the council of a municipality.
- (6) has to approve sale or lease of the whole of the public utility undertaking.

INCORPORATION

S.42 (1) Incorporated.

CATEGORY

Administrative.

REMOVAL

Amend the act.

S.38 Council may repeal the by-law establishing the commission.

RECREATION COMMITTEES and JOINT RECREATION COMMITTEES

STATUTE	<p>The Department of Education Act, R.S.O. 1960, Ch. 94, amended 1968-69.</p> <p>and</p> <p>The Municipal Act, R.S.O. 1960, Ch. 249, S. 377 (30).</p>
FORMATION	<p>Optional (by regulation)</p> <p>S.12 (4)(c) Minister may make regulations authorizing (1) Municipal Councils to appoint recreation committees, or 2 or more councils from municipalities with a total population (combined) of less than 25,000 to form joint recreation committees.</p> <p>(2) inter municipal agreements.</p> <p>Minister may make regulations: Composition: S.12 (4)(d) . . . prescribing composition of recreation committee:</p> <p>O.R. 19/66 Composed of between 5 and 12 members at least 2 being members of council, according to municipal by-law. S.2 (2).</p> <p>Committee is <u>not</u> a body corporate: it conducts a program of <u>recreation</u>, and all costs incurred are borne by council.</p>
MEMBERSHIP	<p>S.12 (4) by regulation, municipal councils, with the approval of The Minister, may appoint recreation committees, two or more municipal councils, with a combined population of under 25,000 with the approval of The Minister, may appoint joint recreation committees, boards of education in territory without municipal organization may appoint recreation committees or joint recreation committees.</p>
QUALIFICATIONS TERM OF OFFICE	<p>Not specified, perhaps in regulations.</p>
REMUNERATION	<p>None specified, possible under section 407 of Municipal Act.</p>

FUNCTIONS	appoint directors, assistants and secretaries (certificates for directors are issued by The Department). Minister makes regulations prescribing recreational programs.
FINANCE	maintenance costs and operating costs are approved by The Minister. Minister prescribes conditions for recreation grants.
PROVINCIAL GRANTS	S.12 (4)(f) Minister may make regulations prescribing definition of approved costs for grant purposes. S.12 (4)(h) Minister may make regulations prescribing conditions of grant payment. Grants under O.R. 19/66 S.5 (1) 33 1/3% of recreation staff salaries, within specified limits, and 25% of operating costs. S.5 (4) total grants limited by regulation, according to total population.
INCORPORATION	Not incorporated.
CATEGORY	Administrative.
REMOVAL	Amend both acts.

REGIONAL DEVELOPMENT COUNCILS

STATUTE	The Regional Development Councils Act, 1966, S.O. 1966 Ch. 135.
FORMATION	S. 2 The Lieutenant Governor in Council may from time to time designate any other corporation as a regional development council.
MEMBERSHIP	S.377 (14) of The Municipal Act R.S.O. 1960 ch. 249, allows municipalities to appoint representatives to duly constituted Regional Development Association.
QUALIFICATIONS	Not stated
TERM OF OFFICE	
REMUNERATION	
FUNCTION	S.3 "The objects of each council are to undertake such informational educational and promotional programs and activities as relate to the orderly growth and economic development of the region in which it has jurisdiction".
FINANCE	S.5 "A Council may receive funds from any source including municipal and provincial governments, and expend such funds for the objects of the council.
PROVINCIAL GRANTS	S.5(3) The Minister may make an annual grant to a council.
PROVINCIAL CONTROLS	Minister of Economics and Development determines regions.
INCORPORATION	S.1(a) Incorporated.
CATEGORY	Administrative.
REMOVAL	Repeal the act.

BOARD OF MANAGEMENT -- SANATORIA FOR CONSUMPTIVES

STATUTE	The Sanatoria for Consumptives Act, R.S.O. 1960, Ch. 359, amended 1961-62.
FORMATION	Mandatory S.14 (1) When sanatorium established by a municipality, then management and control over it shall be vested in a board.
MEMBERSHIP	For one municipality: S.14 (1) not less than five trustees appointed by council. For two or more municipalities: not less than five trustees appointed jointly in accordance with the provisions of the establishing agreement and, S.14 (2) one appointed by The Lieutenant-Governor-in-Council.
QUALIFICATIONS	S.15 By by-law.
TERM OF OFFICE	S.14 (2) Lt. Governor-in-Council appointee holds office during pleasure, S.15 Otherwise, 5 years maximum (by by-law); Chairman of board has 1 year term.
REMUNERATION	None specified. Possible under section 407 of Municipal Act.
FUNCTIONS	S.20 to govern, manage and control the affairs of the sanatorium, and its maintenance, operations and use; the admission, treatment, conduct, discipline and discharge of patients therein. S.22 Power to expropriate with the consent of council.
FINANCE	S.35 (2) local municipality pays for indigents, S.44 "The Minister, may, out of the moneys that are appropriated by the legislation for the purpose:- (a) pay provincial aid to any sanatorium, (b) make payment for the treatment outside a sanatorium if any person suffering from tuber-

culosis and for the post sanatorium care of any former patient.

PROVINCIAL GRANTS	S.44 Minister may make provincial aid available to any sanatorium as prescribed by regulations.
PROVINCIAL CONTROLS	S.54 (j) Lt. Governor-in-Council may make regulations with respect to all matters affecting sanatoria.
INCORPORATION	S.16 Incorporated.
CATEGORY	Administrative.
REMOVAL	Amend the act.

SEWAGE COMMISSION

STATUTE	The Public Utilities Act, R.S.O. 1960, ch.335
FORMATION	<p>The Municipal Act, S.386(5), allows a municipality to pass a by-law with the assent of the electors to hand sewage works to a P.U.C.</p> <p>S.40(6) Commission is optional and may be established by by-law of the municipal council.</p> <p>S.45(1) The by-law establishing the commission may be repealed with the assent of the electors. Duties of the commission may be assigned to another public utilities commission by by-law.</p>
MEMBERSHIP	<p>S.42(1) "Three or five members as may be provided by the by-law of whom the head of the council shall be one ex-officio and the others shall be elected at the same time and place, and in the same manner as the head of council".</p> <p>"When a commission functions in a defined area or areas, the members shall be elected by the electors of the area or areas as the case may be".</p> <p>No member of council, except the head thereof shall at the same time be a member of the commission.</p>
QUALIFICATIONS	Same as those for members of council as set out in the Municipal Act. S.35-36.
TERM OF OFFICE	S.42 Elected members hold office for 2 years with half the members retiring each year.
REMUNERATION	S.44 The salary, if any- of the commissioners shall from time to time be fixed by council.
FUNCTION	To operate and maintain a sewage system.
FINANCE	S.41(4) "The Treasurer of the municipality shall upon the certificate of the commission, pay out any money so provided.
PROVINCIAL CONTROL	S.35(5) Approval of the OMB is requisite for the sale or lease of the portion of property acquired or held for a public utility undertaking as long as the portion is used for the purposes of the undertaking OMB may require assent of the electors. Does not apply to leases for less than five years.

INCORPORATION	S.42(1) Incorporated
CATEGORY	Administrative
REMOVAL	Amend the act.

SOCIETIES FOR THE PREVENTION OF CRUELTY TO ANIMALS

(Humane Societies)

STATUTE	The Ontario Society For The Prevention of Cruelty to Animals Act. S.O. 1955 Ch.58, amended 1968-69 Ch.89
FORMATION	S.2 The Ontario Society for the Prevention of Cruelty to Animals is a body politic and corporate.
MEMBERSHIP	<p>S.4 The Society shall consist of class A members, being affiliated societies, class B members being individual members, and class C. members being honorary members.</p> <p>S.10 Any society professing as its object the welfare of animals must become incorporated and affiliated with the Society. The Affairs of the Society shall be controlled and managed by a Board of Directors and an executive committee.</p>
QUALIFICATION	Not stated.-probably set out in the by-laws of the Society.
TERM OF OFFICE	Not stated.
REMUNERATION	Not stated
FUNCTIONS	<p>S.3 To facilitate and provide for the prevention and relief of cruelty to animals. The Society can pass by-laws for this purpose.</p> <p>S.8 The Society may (a) buy and sell real estate, (b) construct buildings for its purpose, (c) may do all such other things it deems necessary to carry out its object.</p> <p>S.11 The Society may appoint an inspector who shall have all the powers of a police officer under this act.</p> <p>A 1968-69 amendment curtails his power by requiring him to get a search warrant before entry.</p>
FINANCE	S.14(a) (1) The owner will be liable for any expenses of the Society made in caring for his animal or the animal may be sold. Otherwise not stated.
PROVINCIAL CONTROL	An owner who feels the Society has acted unjustly may appeal to the Animal Care Review Board (L.G.-in-Council appoints 3 members)

INCORPORATION	S.2 Incorporated
CATEGORY	Administrative
REMOVAL	Repeal the Act.

STATUTE LABOUR BOARDS

STATUTE	The Statute Labour Act, R.S.O. 1960, Ch. 382.
FORMATION	<p>S.11 Only applies in unincorporated townships, 20 resident landholders can call a public meeting for the purpose of electing road commissioners.</p> <p>Both Acts use the term "roads commissioners" not Statute Labour Board.</p> <p>S.26 (2) The board has powers of a municipal corporation concerning statute labour.</p> <p>S.26 (1) Commissioners are to oversee the work.</p>
MEMBERSHIP	<p>S.15 Three the five elected commissioners.</p> <p>S.19 Must be a British subject to be elected.</p>
QUALIFICATIONS	S.18 British subject; 21; landholder in township etc; has performed or commuted for the statute labour to which he is liable.
TERM OF OFFICE	S.29 1 year.
REMUNERATION	S.31 (1) Secretary-Treasurer (one of the board commissioners) may be paid up to \$50.
FUNCTIONS	S.23 (1) "Lay out" roads and direct the performance of statute labour or commutation thereof.
FINANCE	<p>S.27 (1) Presumably operates by statute labour or fees in lieu of statute labour.</p> <p>By S.43 of the Highway Improvement Act the board may enter into an agreement with The Department of Highways to maintain tertiary roads and the Province may pay up to 50 percent of cost, for other roads Province may pay more.</p>
PROVINCIAL GRANTS	<p>Under The Highway Improvement Act;</p> <p>S.42 (4) 50% of snow removal costs</p> <p>S.42 (5) for road commissions in unorganized territories, where roads are not maintained by Highways Department:</p>

up to 50% of road costs.

S.91 (2) By Minister's arrangement: a proportion of the costs.

INCORPORATION

Not incorporated.

CATEGORY

Administrative.

REMOVAL

Amend ~~or~~ repeal the act.

LOCAL ROADS BOARD

STATUTE	The Local Roads Board Act 1964, S.O. 1964, ch. 56, as amended 1965 and 1968.
FORMATION	<p>The act applies only in territory without municipal organization.</p> <p>Optional</p> <p>S.7(7) "Where a majority of the owners of land in the proposed local roads area vote in favour of the establishment of a local roads area, the owners...shall elect...trustees of the board.</p>
MEMBERSHIP	<p>S.7 3 land owners elected by land owners in the area.</p> <p>S.5 must be 21 and a Canadian citizen</p>
QUALIFICATIONS	S.12 Canadian citizen; 21; owner of land in the local roads area, with no tax arrears.
TERM OF OFFICE	S.12. 1 year.
REMUNERATION	Not stated, possible under section 407 of the Municipal Act.
FUNCTION	<p>S.10(2) "the board may, within the limit of the money available to pay for such work and subject to the approval of the Minister, determine the work to be performed on local roads in the local roads in the local roads area".</p> <p>Presumably the work is done by the Department of Highways.</p>
FINANCE	<p>Assessment as outlined in act.</p> <p>S.21 "Every board shall levy annually on the whole of the assessment for taxable land in the local roads area a sum equal to the sum estimated by the board to be required for the purposes of the board during the year". (1968)</p> <p>This tax money is sent to the Minister & the Prov equals that amount.</p>
PROVINCIAL GRANTS	S.31 Minister shall grant to the board a sum equal to twice the amount that the board receives from its local levies, on the receipt by the Department of said board's funds.

INCORPORATION No

CATEGORY Administrative

REMOVAL Repeal or Amend the Act.

S.17 Vote at annual meeting: if majority present approve dissolution, Minister may be order dissolve the board and the local roads area.

S.39 Where a board is established under this Act any statute labour that existed in the area ceased to exist.

SUBURBAN ROADS COMMISSIONS

STATUTE	The Highway Improvement Act, R.S.O. 1960, Ch. 171, S.68, Part VIII, as amended to date.
FORMATION	S.68 (1) Lt. Governor-in-Council may direct that a commission be appointed in respect of each city or separated town in a county that applies;
MEMBERSHIP	<p>S.68 (3) Three appointed members for a city of less than 50,000 or of a separated town. One member appointed by the city or separated town, one member by the county and the third to be appointed by agreement of the other two members. In default of such agreement he is to be appointed by the Lieutenant-Governor-in-Council.</p> <p>S.68 (4) Five members for a city of over 50,000. Two appointed by the city, two by the county, the fifth on agreement of the four appointed members and to be filled by the Lieutenant-Governor-in-Council in default of agreement.</p> <p>Where a municipality fails to make an appointment within time allowed, i.e. within thirty days from the date of the order-in-council directing the commission to be appointed, the appointment may be made by the Lieutenant-Governor-in-Council.</p> <p>S.68 (12) councillors ineligible.</p>
QUALIFICATIONS	<p>Ineligibility</p> <p>S.68 (10) person with interest in works contract.</p> <p>S.68 (12) member of Assembly, or municipal council; or municipal employee.</p> <p>S.68 (8) removal from office on 2/3 vote of appointment council.</p>
TERM OF OFFICE	S.68 (6) 5 years, eligible for reappointment.
REMUNERATION	Not stated. Possible under S.407 of the Municipal Act.

FUNCTIONS

S.68 (2)

(1) Designate roads as suburban roads,

(2) construct and maintain such roads.

The construction and maintenance and designation of suburban roads and the expenditure thereon and is in the same position as any municipality and entitled to the same aid as if it were a township.

FINANCE

S.71 (1) Expenditures to be borne by the county, the city or separated town and the Province in the respective proportions of 25 percent, 25 percent, and fifty percent, however, the Province may go as high as eighty percent where the construction of a bridge is involved with the balance shared equally between county and city (separate town).

S.71 (3) Levy is limited to one-half mill for cities (separated towns) unless by-law is passed in agreement with county that up to two mills be so appropriated. No such by-law be passed until county has appropriated a similar amount.

S.73 (3) Debentures may be used to raise further sums.

S.73 (4) No assent of electors is required nor do the formalities prescribed by The Municipal Act need to be observed.

PROVINCIAL GRANTS

S.71 (1) 50% grant for roads expenditures; up to 80% for bridges and culverts.

S.68 (7) Lt. Governor-in-Council makes appointments where city, separated town or county fails to appoint.

INCORPORATION

S.68 (11) Incorporated.

CATEGORY

Administrative.

REMOVAL

Amend the act.

TELEPHONE COMMISSIONS

STATUTE	The Telephone Act, R.S.O. 1960, Ch. 394, as amended to date.
FORMATION	<p>S.65 Commission is optional as subscribers petition the municipality to create a commission.</p> <p>S.72 Subscribers may petition the municipality to return management of the system to the council.</p>
MEMBERSHIP	<p>S.65 (2) 3-5 members if in initiating municipality only. Where system extends into 1 or more communities there shall be an odd number of commissioners - not less than 3.</p> <p>S.66 Commissioners are elected.</p>
QUALIFICATIONS	<p>S.67 (1) Must be a subscriber to the municipal telephone system.</p> <p>(2) No assessor, collector, treasurer, clerk, auditor or member other than the head of the council of a municipality is eligible.</p>
TERM OF OFFICE	S.66 Commissioners are elected each year but term may be extended to 3 years with one-third retiring each year if approved by the Ontario Telephone Service Commission and a general meeting of the subscribers.
REMUNERATION	S.71 (1) Commissioners may pass a by-law to provide for their remuneration. Requires approval of Ontario Telephone Service Commission and approval at a general meeting of the subscribers.
FUNCTIONS	<p>S.69 Control and manage the municipal telephone system according to the Act; supply moneys required for the establishment and maintenance of the system; levy and collect all moneys and special rates that may be due or owing from time to time by the subscribers.</p> <p>S.71 pass by-laws outlining manner of election, duties and remuneration of the commission.</p> <p>S.70 Employ a secretary, provide for meetings, provide staggered system with 3 year term.</p>

S.65 (1) The Commission has all the powers of provincial commissioners.

S.69 (2) The Commission has all the powers of a council re telephones.

S.54 The Commission has power to expropriate telephone systems.

FINANCE

S.61 Rates from subscribers. If such revenues are insufficient to meet costs, the deficiency shall be paid out of the general funds of the initiating municipality - this may be latter collected from subscribers.

PROVINCIAL CONTROLS

S.88 All by-laws of the telephone commission require the approval of the Ontario Telephone Service Commission (OTSC)
OTSC may quash by-laws of the council or commission that are not in accordance with the Act.

S.26 OTSC may made regulations respecting the control and regulation of anything having to do with local telephone systems.

S.48 OTSC must approve the by-law providing for the establishment of the system and must approve the location of any exchange or switch-board.

INCORPORATION

Not incorporated.

CATEGORY

Administrative.

REMOVAL

Under S.72, the council can reassume responsibility for the system.
Amend the act.

WAR MEMORIAL COMMITTEE

STATUTE	The Cemeteries Act R.S.O. 1960 ch. 47.
FORMATION	Mandatory. "The council of every county shall appoint a committee."
MEMBERSHIP	"The Committee shall be composed of five persons of whom two shall be members of the County Council."
QUALIFICATIONS	Not stated
TERM OF OFFICE	Not stated
REMUNERATION	Committee members shall serve without compensation.
FUNCTIONS	"The council of every <u>county</u> shall appoint a committee to be known as "The (insert name of County) War Memorial Committee to take charge of monuments, tablets, and other memorials established or erected in the county in commemoration of the nursing sisters, officers and men of Her Majesty's forces who served, were wounded, killed or died during any war, except only such monuments, tablets and war memorials as are being cared for by municipalities, churches or other organizations."
PROVINCIAL CONTROLS	Not stated.
INCORPORATION	Not incorporated
CATEGORY	Administrative
REMOVAL	Amend the act.

DISTRICT WELFARE ADMINISTRATION BOARDS

STATUTE	District Welfare Administration Boards Act S.O. 1962-63 Ch. 37, amended 1966 and 1968-69.
FORMATION	<p>S.2 (1) "This act applies to the towns, villages, townships, and improvement districts in each district.</p> <p>(2) Any city in a district where a board is established may, at the request of the council of the city and with the approval of the Minister be a municipality to which this act applies."</p> <p>S.3 (1) "A DWAB shall be established for a district by all the municipalities in the district when a by-law authorizing same has been passed by a majority of the municipalities in the district."</p>
MEMBERSHIP	Three to five members appointed jointly by all the municipalities in the district, and two members appointed by The Lieutenant-Governor.
QUALIFICATIONS	None specified.
TERM OF OFFICE	<p>S.3 (3) (a) Council appointees - 1 year.</p> <p>S.3 (3) (b) Lt. Governor-in-Council appointees - 3 years.</p>
REMUNERATION	None specified. Possible under section 407 of Municipal Act.
FUNCTIONS	<p>S.4 (1) Acquires all the powers, duties and responsibilities that are given to the municipal councils by an Act with respect to the provision and administration of welfare.</p> <p>S.4 (2) Must appoint a welfare administrator and such staff as is necessary.</p>
FINANCES	<p>S.6 (2) Board apportions its annual costs over the municipalities within the district on the basis of their equalized assessment.</p> <p>Each municipality shall pay the amount to the board on demand.</p>

during the first four years of membership of a city the apportionment may be determined by an agreement in writing approved by the Minister between the board and the city.

PROVINCIAL GRANTS O.R. 168/64 and O.R. 278/67

All DWAB's eligible for these grants:

(a) assistance towards general welfare assistance: supplements (based on regulations) for food, clothing, shelter, etc. for families
Basis:

80%, plus 90% of the costs of assistance to those people making the % receiving assistance more than 6%;

100% for costs in unorganized territory.

(b) special assistance (drugs, dental, vocational training, etc)

Basis:

50% of costs; 100% in unorganized territory.

(c) supplementary assistance (for government benefit recipients needing shelter support)

Basis:

80% (not more than \$16 per month).

(d) welfare services administration costs

Conditions:

payable after DWAB has been in operation for one year.

Basis:

50% costs may include salaries, wages, research and consultants' costs.

(e) initial operation costs of DWAB (first year only)

Conditions:

expenditures must be approved by Minister of Social and Family Services.

Basis:

per capita grant covering 50% of board's estimated expenditures.

INCORPORATION S.3 (3) incorporated.

CATEGORY Administrative.

REMOVAL Repeal or amend act.

APPENDIX B

Comparison of Local Boards and Commissions

Boards and commission will be compared by examining the relevant legislation under the following headings: formation, membership, term of office, qualifications for office, remuneration, finance, provincial grants, provincial controls, incorporation, and abolition. It must be emphasized that the following analysis is based solely on the legislation.

Formation

The establishment of boards and commissions may be mandatory, mandatory under certain conditions or optional. One limitation of this simple analysis is that it does not take into account the area of jurisdiction for each of these bodies. For example, some are mandatory for all municipalities, some for districts, or for counties.

Mandatory Boards Include:

County and District Combined Separate School Boards
Divisional Boards of Education
Emergency Measures Organizations
Boards of Health (except where a health unit is established)
Boards of Trustees for Police Villages (for police villages only)
War Memorial Committees (for counties only)

Mandatory Boards Under Particular Conditions Include:

Community Centres Boards (if a community centre exists).

Courts of Revision - The Drainage Amendment Act
(mandatory if there are appeals).

Courts of Revision - The Local Improvement Amendment Act
(mandatory if there are appeals).

Fence Viewers (if disputes over fences occur).

Housing Standards Committees (if zoning by-laws are
passed under The Planning Act).

Public Library Boards (if there is a public library).

County Library Boards (if there is a public library).

Regional Library Boards (if there is a regional library
system including two or more counties).

Union Library Boards (if two or more councils establish
a union public library).

Boards of Park Management (if The Parks Act is adopted
by Council).

Land Division Committees (if there is no Committee of
Adjustment).

Boards of Police Commissioners (conditional on population
and existence of a police force)-
-mandatory for municipalities with population greater
than 15,000 that provide a police force
-optional for counties or towns with a population
less than 15,000
-optional for villages with a population 5,000 - 15,000
-optional with the consent of the Attorney General
for villages and townships with a population less
than 5,000

Hydro-Electric Commissions (function must be administered
by a commission but this commission may be solely
for electricity or may be a multi-purpose public
utilities commission).

Boards of Management - Sanatoria for Consumptives
(if a sanatorium is established by a municipality).

Optional Boards:

Air Harbours Commissions
Boards of Arbitration - Fire
Boards of Arbitration - Police
Boards under S-377 (69) of The Municipal Act
Building Development Authorities
Cemetery Boards
Children's Aid Societies
Conservation Authorities
School Board Advisory Committees
Health Units
Committees of Management - Homes for the Aged
Boards of Management - Homes for the Aged
Horticultural Societies
Public Hospital Boards
Boards of Management for Improvement Areas
Boards of Trustees for Improvement Districts
Inter-urban Boards of Management
Joint Boards under S.377 (5) of The Municipal Act
Parking Authorities
Planning Boards
Joint Planning Boards
Committees of Adjustment
Public Service Commissions
Public Utilities Commissions
Recreation Committees and Joint Recreation Committees

Regional Development Councils

Sewage Commissions

Statute Labour Boards

Local Roads Boards

Suburban Roads Commissions

Telephone Commissions

District Welfare Administration Boards

Membership

Information about membership is presented in Table 3. The headings were chosen mainly to show the relationship of the board to the council with two factors considered most important: selection of members, and eligibility of councilors. In some cases, particularly for joint boards, the information is limited by lack of space and it would be advisable to refer back to Appendix A when making comparisons.

Some general observations can be noted from the table:

20 of the 56 types of boards are appointed entirely by council members with another 9 partially appointed by council;

11 of the 56 types of boards are elected;

council members are ineligible for appointment to 15 boards and some council representation is mandatory on another 12;

the head of council must serve on 9 boards;

the boards are generally small and average from 3-5 members with the largest having 16.

Once again, these generalizations must be qualified as the boards are not equal in importance, nor do they all exist in any one municipality. Because of this, numerical or percentage comparisons are not appropriate.

TABLE 3

COMPARISON OF MEMBERSHIP OF LOCAL SPECIAL PURPOSE BODIES

MEMBERSHIP	All app. by Council	Some app. by Council	Other	Councillors eligible	Head of Council mandatory	No. on board
Air Harbour C.	+			+		
Board of Arbitration - Fire		1		+		3
Board of Arbitration - Police		1 ^a		+		3
Boards under S.377 (69)	+			at least 2 if 5 or more on board		3-7
Building Devel. Corporations			not specified			
Cemetery Boards	+			+		3-7
Children's Aid Societies		Exec C +4		+		Exec. Comm. 9
Community Centres Boards	+			if more than 5 at least 2		not less than 3

^aCouncil may appoint one member if there is no Board of Police Commissioners.

MEMBERSHIP	All app. by Council	Some app. by Council	Other	Councillors eligible	Head of Council mandatory	No. on board
Conservation Authorities		+	Lt. Gov. app. up to 3	+		according to pop.
Courts of Revision - DAA	+			+		5
Courts of Revision - LIAA	+			+		3-5
Div. Boards of Education			elected	no		according to pop.
Separate School Boards			elected	no		according to pop.
Advisory Vocational Committees			School Trustees			
School Board Advisory Committees			appointed by Sch.Bd. etc.			about 16
Emergency Measures Org.			not specified			

MEMBERSHIP	All app. by Council	Some app. by Council	Other	Councillors eligible	Head of Council mandatory	No. on board
Fence Viewers			not specified			3
Boards of Health		+	M.O.H.	at least 2	+	9-12
Health Units			not specified			
Comm. of Man.- Homes for Aged	+			all councillors		3-5
Boards of Man.- Homes for Aged			App. by Lt. Gov.	no?		not more than 7
Horticultural Society			election by members			
Public Hospital Boards			selected by hospital			
Housing Standards Committees	+			+		3
Board of Man.- Improvement Areas	+			at least 1		3-7

MEMBERSHIP	All app. by Council	Some app. by Council	Other	Councillors eligible	Head of Council mandatory	No. on board
Board of Trustees - Imp. Distr.			appointed by Lt. Gov.	n/a		3
Inter-urban - Board of Man.			elected	no		3
Joint Board under S.377 (5)			not specified			
Public Library Boards		+	some by school boards	no	+	varies by pop.
County Library Boards	+			3 must be councillors	+	7
County Library Co-operatives	+			3 must be councillors	+	7
Regional Library Boards			members app. by lib. bds. then Minister	indirectly		at least 9 varies
Union Public Library Boards	+			+		no. deter- mined by councils

MEMBERSHIP	All app. by Council	Some app. by Council	Other	Councillors eligible	Head of Council mandatory	No. on board
Boards of Park Management	+			more than 5 then 2 councillors	+	7 or 3-7
Parking Authorities	+			no		3
Planning Board	+			+ cannot be a majority	+	5,7, or 9
Joint Planning Board	+ by councils			+ cannot be a majority		5,7, or 9
Committee of Adjustment	+			no		3
Land Division Committees	+			no		not less than 3
Board of Police Commissioners			2 designated by Lt. Gov.	no	+	3
Board of Trustees- Police Villages			elected	n/a		3
Public Service Commissions			elected	no	+	3-5

MEMBERSHIP	All app. by Council	Some app. by Council	Other	Councillors eligible	Head of Council mandatory	No. on board
Public Utilities Commissions			elected	no	+	3-5
Hydro-Electric Commissions		b	elected	no	b	3-5
Recreation Committees	+			at least 2		5-12
Regional Dev. Councils			not specified			
Board of Man.- Sanatoria		+	1 chosen by Lt. Gov.	+		not less than 5
Sewage Commissions			elected	no	+	3-5
Societies for Prevention of Cruelty to Animals			Bd. of Directors			
Statute Labour Boards			elected	no		3-5

^bIn cities over 60,000, council may appoint one member, Power Commissions may appoint one member and the head of council is mandatory.

MEMBERSHIP	All app. by Council	Some app. by Council	Other	Councillors eligible	Head of Council mandatory	No. on board
Local Roads Board			elected	no		3
Suburban Roads Commissions	councils +			no		3-5 varies with pop.
Telephone Commissions			elected	no	eligible	3-5 in 1 mun. odd no. in + 2 mun.
War Memorial Committees	+			at least 2		5
District Welfare Administration Boards		+	2 by Lt. Gov.			5-7 3-5 app. by all mun.

Term of Office

1. Sixteen of the boards have no specific term of office mentioned in the legislation. These include:

Air Harbour Commissions

Boards under S.377 (69) of The Municipal Act

Building Development Corporations

Courts of Revision - The Drainage Amendment Act

Courts of Revision - The Local Improvement Amendment Act

Emergency Measures Organizations

Fence Viewers

Health Units

Committees of Management - Homes for the Aged

Boards of Trustees for Improvement Districts

Joint Boards under S.377 (5) of The Municipal Act

Boards of Police Commissioners

Recreation Committees

Regional Development Councils

Societies for the Prevention of Cruelty to Animals Act

War Memorial Committees

2. Some boards are temporary and are set up to meet a specific situation:

Boards of Arbitration - Fire

Boards of Arbitration - Police

3. Some terms of office are provided for in the by-law establishing the body. These include:

Children's Aid Societies

Housing Standards Committees

Union Public Library Boards

4. Members of one board hold office during the pleasure of council:

Cemetery Boards

5. Elected boards generally hold office for two years:

Divisional Boards of Education

County and District Combined Separate School Boards

Inter-urban Boards of Management

Boards of Trustees and Police Villages

Public Service Commissions

Public Utilities Commissions

Hydro-electric Commissions

Sewage Commissions

Exceptions:

Statute Labour Boards - 1 year

Local Roads Boards - 1 year

Telephone Commissions - 1 or 3 years

6. Boards that are entirely appointed by council(s) may have varying terms:

Community Centres Boards - 1 year

Boards of Management for Improvement Areas - 1 year

Board of Park Management - 3 years

Parking Authorities - 3 years

Planning Boards - non-councillors - 3 years

- councillors - 1 year

Committees of Adjustment - 3 years

Land Division Committees - 3 years

Suburban Roads Commissions - 5 years

7. Boards that are appointed by council, another board and/or Lt. Gov. may also have varying terms:

Conservation Authorities - 3 years - all members

School Board Advisory Committees - 1 year - limit
3 terms

Boards of Health - 1 year for appointees including
councillors
- also M.O.H. and Mayor

Public Library Boards - 3 years - appointees of
council, public school board,
boards of education
- 2 years - separate school
board appointees

County Library Boards - 3 years for members other
than councillors

Regional Library Boards - no more than 5 consecutive
years

Boards of Management - Sanatoria for Consumptives
- Lt. Gov. appointees during
pleasure
- others - 5 year maximum

District Welfare Administration Boards
- 1 year - council appointees
- 3 years - Lt. Gov. appointees

8. Boards that have no direct relationship with council also have varying terms:

School Boards Advisory Committees - 1 year

Boards of Management - Homes for the Aged.
- all appointed by Lt. Gov. with
term in regulations

Public Hospitals Boards - less than 5 years

Qualifications

This aspect of the comparison overlaps to some extent with the description of membership. The eligibility of councillors has been considered previously and will not be repeated here. Where councillors may also be board members, it is assumed that council membership is a sufficient condition of eligibility.

1. Qualifications for some boards are the same as for membership on council (S.35 of The Municipal Act):

Boards under S.377 (69) of The Municipal Act

Community Centres Boards

Courts of Revision - The Drainage Amendment Act

Courts of Revision - The Local Improvement Amendment Act

Boards of Management for Improvement Areas

(must also be assessed for business assessment)

Parking Authorities

Public Service Commissions

Public Utilities Commissions

Hydro-electric Commissions

Sewage Commissions

2. Membership on some boards is conditional on residence within a particular area:

Conservation Authorities

Boards of Management - Homes for the Aged

Boards of Park Management

Boards of Trustees - Police Villages

3. The residence qualification is sometimes accompanied by other conditions of membership:

Divisional Boards of Education - Canadian citizen, over 21, not a member of another board, councillor, clerk, or anyone whose taxes are overdue.

Inter-urban Boards of Management - must be qualified to vote at municipal election.

Public Library Boards - Canadian citizen, not a member of any board entitled to make appointment.

County Library Boards - over 21, Canadian citizen

Union Public Library Boards - over 21, Canadian citizen, not mentally ill

Committees of Adjustment - can be a resident or ratepayer but must not be a councillor, municipal employee or a member of another board.

4. Conditions of membership for some boards are set out in the by-law establishing the body:

School Board Advisory Committees

Boards of Management - Sanatoria for Consumptives

5. For some boards the qualifications are related to the function of the body:

County and District Combined Separate School Boards
-Canadian citizen; over 21;
presumably a separate school supporter.

Horticultural Society - must have paid \$1 signatory fee

Housing Standards Committee - ratepayers in the municipality

Statute Labour Boards - British subject; over 21; landholder in the township; has performed statute labour for which he is liable.

Local Roads Boards - Canadian citizen; 21; owner of land in the local roads area with no tax arrears.

Telephone Commissions - must be a subscriber to the municipal telephone system; must not be assessors, collectors, treasurers, councillors.

If there is no mention of a particular board in the above discussion, it must be assumed that there is no direct reference to qualifications in the legislation.

Remuneration

A provision of The Municipal Act provides for the remuneration of members of most boards and commissions:

A local board, as defined in the Department of Municipal Affairs Act¹, of a municipality, except school, planning, and library boards, may provide for the payment of such salary, expenses, or allowances for the members thereof as may be approved by the council of the municipality, or where more than one municipality, is concerned, by the Council designated by the Department.²

Although school, planning, and library boards are excepted from the general clause, provision for the remuneration of these bodies may be included in the relevant legislation.

1. Remuneration for the majority of special-purpose bodies is provided for by the general clause. Specific provisions,

¹Local boards under The Department of Municipal Affairs Act means:

. . . a school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or parts thereof.

²The Municipal Act, S.407

however, may be repeated in the relevant legislation. In addition, several boards either are not included, or vary from the general clause and are briefly outlined in the categories below.

2. For some boards, members other than councillors may be paid:

Courts of Revision - The Drainage Amendment Act

Courts of Revision - The Local Improvement Amendment Act

Boards of Police Commissioners (head of council may receive an allowance)

3. Remuneration is forbidden to some board members:

Public Library Boards

County Library Boards

County Library Co-operatives

Regional Library Boards

War Memorial Committees

4. Other board members are paid in the same manner as councillors:

Board of Trustees for Improvement Districts

Inter-urban Boards of Management

5. Remuneration of some boards is subject to the approval of another body:

Conservation Authorities (no salary, expenses, or allowance without the approval of the OMB)

Board of Trustees for Police Villages (remuneration subject to the approval of the D.M.A.)

6. Some board members receive a monthly honorarium:

Divisional Boards of Education

County and District Combined Separate School Boards

Advisory Vocational Committees

7. Some board members have their expenses paid but receive no salary:

School Board Advisory Committees

Union Public Library Boards

Boards of Park Management

8. One board excluded from the general provision has a section allowing remuneration in the legislation:

Planning Boards

9. For Boards of Arbitration each party assumes its own costs and shares the costs of the third except where the third arbitrator is appointed by the Province.

Finance

A comparison of the statutory financial process of special-purpose bodies is limited by the lack of information in the legislation. The complexity of the process further limits the value of classification. Because of this, the categories outlined here are tentative and designed only to illustrate the financial relationship of boards and commissions to the council. Boards with an asterisk also receive provincial grants.

1. For some bodies, the municipality must pay if estimates are prepared in accordance with prescribed standards:

Building Development Corporations (municipality must pay corporation fees for management, may share cost of building and maintenance)

*Children's Aid Societies

*Divisional Boards of Education

*Boards of Health

Public Service Commissions (essentially self-financing)

Sewage Commissions

2. Some boards are self-financing or the finances are related to the service provided. The availability of council funds is indicated when the board is mentioned.

Boards of Arbitration - Fire

Boards of Arbitration - Police

Boards under S.377 (69) of The Municipal Act

*Community Centres Boards (municipality may give assistance)

County and District Combined Separate School Boards
(levy against separate school supporters)

Fence Viewers

Parking Authorities (may make requisitions on council)

Committees of Adjustment

Land Division Committees

Public Utilities Commissions

Hydro-electric Commissions - (Treas. shall pay out
money to the commission.
Surplus forms part of general
municipal funds)

Societies for the Prevention of Cruelty to Animals

*Statute Labour Boards

Telephone Commissions

3. A municipality may amend the estimates of some Boards:

Housing Standards Committees (supplied by council as
needed)

*Public Library Boards

*Boards of Park Management

Planning Boards

Boards of Police Commissioners (may amend with
hearing before the Ontario
Police Commission)

Recreation Committees

4. A municipality may make grants to three boards:

Cemetery Boards

*Emergency Measures Organizations

Horticultural Societies (also from membership
contributions).

*Public Hospital Boards (municipalities also pay
costs for indigents)

5. One board has no direct financial relationship with council:

School Board Advisory Committees

6. Revenues required for some boards are divided among municipalities with regard to benefit or equalized assessment, or apportioned in some other manner among municipalities:

*Conservation Authorities

Inter-urban Boards of Management

*County Library Boards

Joint Planning boards

*Suburban Roads Commissions

*District Welfare Administration Boards

7. Some boards defy classification - either because their financial relationship with council is unique or because they combine a number of the above categories.

Committees of Management - Homes for the Aged
(Residents pay fees.
Municipalities share costs
according to equalized
assessment)

*Boards of Management - Homes for the Aged (as for
committees of Management)

Board of Management for Improvement Areas (council
may levy a special charge
upon persons assessed for
business assessment in the
area. Council may approve
or reject estimates).

Joint Boards under S.377 (5) of The Municipal Act

*Regional Library Boards (Agreement provides for
sharing costs).

Union Public Library Boards (one or more municipal
councils with the approval of
the O.M.B. may raise money for
capital costs. Council may
levy rates on property for
library services)

*Boards of Trustees - Police Villages (may levy
tax on land)

*Regional Development Councils (council may receive funds from many sources and expend such grants for the objects of the council)

*Boards of Management - Sanatoria for Consumptives (municipality pays for indigents)

Local Roads Boards (makes its own levies)

8. No information was available for the following boards:

*Health Units

Boards of Trustees for Improvement Areas

Provincial Grants

The boards obtaining provincial assistance have been indicated in the discussion of finance. Further analysis of the provincial grants available does not reveal identifiable trends that aid the development of classification.

Without data about the actual operation and functioning of special-purpose bodies, the most useful basis of comparison is probably a percentage analysis of provincial revenue available for each body, i.e. what percentage of the total revenue of a particular body is supplied by the Province. But this means of comparison may be misleading as the real amounts could present a much different picture. In addition, the operations are not readily comparable as the amount spent and the municipal contributions may also vary greatly. Further, the basis of assistance calculated by the Province varies according to many factors - population, use of the grant, type of municipality, need, etc.

The next step would be a detailed study of the source

of funds and the conditions attached to the money for each board. A simple list is provided here of the bodies that may receive grants - a list of percentages was not attempted as the variation is too great and the basis of assistance is ignored.

1. The following bodies receive grants according to standard formulae:

Children's Aid Societies

Community Centres Boards (paid to municipality)

Conservation Authorities

Divisional Boards of Education

Emergency Measures Organizations

Boards of Health

Health Units

Boards of Management - Homes for the Aged

Horticultural Societies

Public Library Boards

County Library Boards

Regional Library Boards

Union Public Library Boards

Boards of Park Management

Statute Labour Boards

Suburban Roads Commissions

District Welfare Administration Boards

2. Additional boards may receive grants from the Province:

Building Development Corporations

Public Hospitals Boards

Boards of Trustees - Police Villages

Regional Development Councils

Boards of Management - Sanatoria for Consumptives

Provincial Controls

Various types of controls may be exercised by the Province. Provincial appointments to local bodies were mentioned in the table illustration membership. Further controls exist in the conditions that are attached to most grants or in the required approval of expenditure before a grant is made. The ultimate control is that the Province may amend or rescind all legislation and change grant structures. Approval of by-laws and appointments, estimates and expenses, and sales, and appeals are other methods of control mentioned in the legislation.

Incorporation

Incorporation makes a board a separate legal entity, distinct in law from those persons who comprise it. It can hold property as long as it exists as a separate entity so that the problems of estate and inheritance taxes are avoided. The hazards of making control of assets dependent on the uncertainty of human life are removed. As a separate legal entity it alone is liable for its debts. In addition, a corporate board has the power to sue and be sued in its own name under S.26 (e) of The Interpretation Act, R.S.O., 1960.

1. The following boards are incorporated:

Building Development Corporations
Cemetery Boards - for townships and counties
Children's Aid Societies
Conservation Authorities
Divisional Boards of Education
County and District Combined Separate School Boards
Boards of Health
Boards of Management - Homes for the Aged
Horticultural Societies
Public Hospital Boards
Boards of Management for Improvement Areas
Boards of Trustees for Improvement Districts
Inter-urban Boards of Management
Public Library Boards
County Library Boards
County Library Co-operatives
Regional Library Boards
Union Public Library Boards
Boards of Park Management
Parking Authorities
Planning Boards
Joint Planning Boards
Public Service Commissions
Public Utilities Commissions
Hydro-electric Commissions

Regional Development Councils

Boards of Management - Sanatoria for Consumptives

Sewage Commissions

Societies for the Prevention of Cruelty to Animals

Suburban Roads Commissions

District Welfare Administration Boards

2. The following boards are not incorporated:

Air Harbour Commissions

Boards of Arbitration - Fire

Boards of Arbitration - Police

Boards under S.377 (69) The Municipal Act

Community Centres Boards

Courts of Revision - The Drainage Amendment Act

Courts of Revision - The Local Improvement Act

Advisory Vocational Committees

School Board Advisory Committees

Emergency Measures Organizations

Fence Viewers

Health Units

Committees of Management - Homes for the Aged

Housing Standards Committees

Joint Boards under S.377 (5) The Municipal Act

Committees of Adjustment

Land Division Committee

Boards of Police Commissioners

Boards of Trustees - Police Villages

Recreation Committees

Statute Labour Boards

Local Roads Boards

Telephone Commissions

War Memorial Committees

Abolition

There are two major difficulties in listing provisions for the abolition of existing boards (a) in some cases the legislation is unclear and (b) in some cases it is difficult to distinguish between abolishing the board and abolishing both the board and the function. With these two qualifications the following categories are believed to be accurate. In all cases boards could be abolished by changing Provincial Legislation.

1. Provincial Abolition by Changes in Legislation.

Boards of Arbitration - Fire

Boards of Arbitration - Police

Community Centres Boards

Courts of Revision - The Drainage Amendment Act

Courts of Revision - The Local Improvement Amendment Act

Divisional Boards of Education

County and District Combined separate school board
(This may be impossible due to the B.N.A. Act)

Advisory Vocational Committees

School Board Advisory Committees

Fence Viewers

Boards of Health

Health Units (?)

Committees of Management - Homes for the Aged
and Rest Homes

Boards of Management - Homes for the Aged and
Rest Homes

Housing Standards Committees

Public Library Boards

County Library Boards

County Library Co-operatives

Regional Library Boards

Union Public Library Boards

Boards of Park Management

Planning Boards

Joint Planning Boards

Land Division Committees

Boards of Police Commissioners

Boards of Trustees - Police Villages

Boards of Management - Sanatoria for Consumptives

Societies for the Prevention of Cruelty to Animals (?)

Statute Labour Boards

War Memorial Committees

District Welfare Administration

2. Provincial Abolition by Changes in Regulations

Building Development Corporations

Conservation Authorities

Horticultural Societies

Public Hospital Boards

Recreation Committees and Joint Recreation Committees

Regional Development Councils

Suburban Roads Commissions

3. Local Abolition by Changes in By-Laws.

Air Harbour Commissions

Boards under Section 377 (69) of The Municipal Act

Cemetery Boards

Emergency Measures Organizations

4. Local Abolition by Changes in By-Laws and Local Petition

Boards of Management for Improvement Areas

5. Local Abolition by Changes in By-Laws with Assent of Electors

Public Service Commissions

Public Utilities Commissions

Sewage Commissions

6. Local Abolition by Local Petition

Telephone Commissions

7. Abolition by Application to O.M.B.

Boards of Trustees for Improvement Districts

Inter-Urban Boards of Management

8. Abolition by Vote at Annual Meeting and
Minister's Order

Local Roads Boards

9. Abolition under the Corporation Act
Children's Aid Societies

APPENDIX C

Legal Restraints on the Powers of Local Boards and Commissions

Many local boards and commissions have been created by statute and given a wide measure of control over a local citizen's life. However, in exercising the powers given to them by statute, they are subject to certain legal controls and restrictions. Generally, boards have been classified as exercising either judicial or administrative functions. Judicial boards are similar to courts, with an impartial arbiter using a formal procedure to decide a dispute between two parties. Administrative boards use an informal procedure and make decisions based on policy and expediency. Certain legal restrictions apply regardless of the nature of the board, while others apply only to one kind or the other. If the recommendations of the Report of the Ontario Royal Commission Inquiry into Civil Rights (McRuer Report) are implemented, the distinction in so far as legal restrictions are concerned, will become irrelevant.¹ At present the area is very confusing because some boards which are primarily administrative have some duties which they must perform in a judicial manner while others which are primarily judicial, perform certain purely administrative functions.

¹. Ontario, Royal Commission Inquiry into Civil Rights. (J. C. McRuer-Chairman) Report No. 1, Vols. 1-3 (1968) and Report No. 2, Vol. 4 (1969). Toronto, Queen's Printer. See also The Statutory Powers Procedure Bill, 1968-69. Bill 130.

CONSTITUTIONAL RESTRAINTS

S.91 and S.92 of The British North America Act

There are certain restraints that apply to both administrative and judicial boards. The British North America Act is the first major fetter on their legal authority. The Province has a wide jurisdiction over municipal affairs under various heads of S.92 of The B.N.A. Act:

- S.2. Direct taxation within the province,
- S.8. Municipal institutions,
- S.9. Licences for raising revenue for provincial, local or municipal purposes,
- S.16. Generally all matters of a merely local or private nature in the province.

In legislating to set up local boards, the Province must have regard to the division of powers under The B.N.A. Act. It must not create boards whose powers could encroach on any specific Dominion heads under S.91. Any such legislation would be ultra vires. For example, the Province could not authorize conservation authorities to pass by-laws regulating navigation on the rivers within their area. Navigation S.91(10), is an exclusive Dominion head and provincial legislation may not encroach on it.

There are certain subjects that do not fall clearly within either S.91 or S.92 so that both the provincial and federal government may pass laws in relation to the "aspect"¹ of the problem that falls within their jurisdiction. The statutes must not "conflict" and if there is an "operating incompatibility" between the two, so

¹Classic terms of legal jargon have been put in quotes.

that compliance with one, means the breach of the other, the dominion statute will prevail.¹ The effect is that a local board could find that a part of its jurisdiction is usurped by the Dominion occupying the field under one of its specific S.91 heads. Thus it may become impossible to deal with the provincial aspect without conflicting with the dominion legislation. If a conservation authority attempted to deal with local water pollution through a system of fines, it might find that Parliament has occupied the field in The Canada Water Act, 1970 by making use of the criminal law power S.91 (27). A local board may be validly authorized by statute, but any attempt to deal with a matter on its own initiative in a way that infringes a specific S.91 head, will render its orders void. A good example is provided by a British Columbia case. In that case a municipal council passed a by-law, under a section of a British Columbia statute that allowed it to deal with emergencies, to prevent 1000 Doukhobors from invading their town. The by-law allowed them to fine any Doukhobor found within town limits and the Court held this to be legislation that was, in pith and substance, criminal law.²

¹W. Lederman, "The Concurrent Operation of Federal Provincial Laws in Canada", The Courts and the Canadian Constitution, W. Lederman ed., (Toronto: McClelland and Stewart, 1964,) pp.200-219. See also B. Laskin, Canadian Constitutional Law, 3rd. ed., Revised, (Toronto: Carswell, 1969).

²District of Kent v. Storgoff et al. and Attorney-General of British Columbia, [1962] 38 D.L.R. (2d) (1963) 362.

S.96 of The British North America Act

There is another constitutinnal limitation on the power of boards to make decisions in S.96 of The B.N.A. Act. That section requires the Dominion to appoint the judges of the superior, district and county courts. Provincial appointees cannot determine questions that were decided by the superior courts in 1867, when the division of judicial functions was made. Thus, if a Province establishes a body which is to make judicial determinations, the subject matter of its jurisdiction must be examined to see if this was the type of question decided by superior courts in 1867.¹ If so, the provincial body has no jurisdiction. The problem has arisen frequently in relation to municipal assessment. Assessors can determine the quantum of assessment but not whether the building falls within the statutory definition of land in S.1 (i) of The Assessment Act R.S.O. 1960, ch.23. A superior court has been the one to decide this type of question since 1867.² This type of problem will arise whenever there is a board which must make a preliminary finding of law before proceeding to make a substantive decision. If a licencing commission were empowered to grant licences to persons "legally divorced", its decisions would be void because the status of a marriage is a matter that must be decided exclusively by a superior court.

¹. B. Laskin, op. cit., pp.773-809.

². The Assessment Commissioner for the Municipality of Metropolitan Toronto v. Eglinton Bowling Co. Ltd., [1957] O.R. (1957) 621. (C.A.)

STATUTORY LIMITATIONS ON POWER

The second major limitation on the legal powers of local boards applies to both administrative and judicial boards and stems from the source of their power. Since these boards derive their existence from statute, all their power must flow from the words of the statute. However, words are open to various interpretations and it is often impossible to know the extent of a board's powers until the section in question receives a judicial interpretation. This raises all the principles of statutory interpretation. Suffice it to say that there are two general approaches:

- (a) The strict, literal approach - - give effect to the words no matter how absurd or illogical the result
- (b) The mischief rule approach - - attempt to determine why the legislation was passed and construe it so that it will accomplish its aims¹

Which technique the Court adopts will depend on what the Court wants to accomplish and the prevailing social policy of the time, even though the mischief rule is specifically set out in The Interpretation Act as the one to follow.²

In addition, the legislation is construed with reference to certain common law "presumptions" which the Court uses to restrict the power of the legislature. To overcome these presumptions, the Legislature must use clear decisive language expressing its intent to do so. The presumptions are:

- (a) presumption against taking away a common law right;

¹. J. Willis, "Statutory Interpretation in a Nutshell", Canadian Bar Review, (1938) pp. 1-27.

². R.S.O. 1960, Ch. 191, S.10.

- (b) presumption against taking away property without compensation - this is a key presumption relating to boards which are authorized to expropriate;¹
- (c) presumption against barring the subject from the courts - this one has been used to strike down "privative clauses" which attempt to prevent judicial review of certain board's decisions.²

Which of these will be used will depend on the ends the Court is seeking to achieve and prevailing social policy.

Given the two alternative approaches to statutory interpretation, many decisions of boards can be attacked on the grounds that there is a discrepancy between the power conferred by the enabling statute and the particular order, so that the order is ultra vires. The Courts may go to ridiculous extremes in making fine distinctions. A British Columbia case held that a by-law passed to force "the closing of shops for the serving of customers" was ultra vires the statute which only allowed by-laws to force "the closing of shops for the service of customers".³

The statute will also govern who is to comprise the board and how it is to exercise its powers. If these provisions are mandatory; i.e. the board shall hold a hearing or the board shall be composed of three lawyers, then the provisions are "conditions precedent" to the board having power to act. If the mandatory

¹. Ontario, Royal Commission Inquiry into Civil Rights. op. cit., Report No. 1, Vol. 3, Ch. 65, p. 965. See generally Report No. 1, Vol. 3, Ch. 65-74.

². Ibid., Report No. 1, Vol. 1, Ch. 17.

³. J. T. Weir, "Actions By and Against Municipal Authorities," Special Lectures of the Law Society of Upper Canada, (Toronto: Richard de Boo Ltd., 1956,) p.8.

provisions are not followed, any orders or proceedings of the board are void. If the provisions are merely directory; i.e. the board may hold a hearing, non-compliance with the provisions does not render the proceedings invalid. These problems arise most often when the statute requires a hearing to be held before a decision is made. When this is the case, the board must give the person affected reasonably sufficient notice of the time and place of the hearing and also a reasonable length of time for him to prepare his side.¹ If a Court finds that the board did not comply with either of these requirements for notice, subsequent proceedings will be void.

Another technique which helps define the ambit of a board's powers flows from an application of the mischief rule of statutory interpretation and results in the doctrine of implied powers. Often an enabling statute in attempting to spell out the powers of a board will leave gaps that could render the board impotent or ineffective. In some cases the Court will look to the general tenor of the whole statute and read into it the powers necessary to make the board effective if it appears that the intention was to give the board such powers. On the other hand, the Court could use a strict literal construction to cut down a board's powers if they feel its jurisdiction is too wide. The mischief rule approach has also been of use in deciding whether a board is incorporated or not, where the statute is silent as to its status.

¹. Board of Health for the Township of Salt Fleet v. Knapman, [1956] S.C.R. (1956) 877.

RULE AGAINST DELEGATION

Another principle that applies to both judicial and administrative boards is the rule against delegation. It applies to all authorities operating under a statute. Unless expressly or impliedly authorized to do so, the members cannot delegate the making of the decision given to them by statute to any other person or persons.¹ The Board may be assisted by subordinates at stages leading up to the decision and may rely on them for information and reports but the board must apply its mind to the final decision. It cannot merely rubberstamp the recommendations of its subordinates. The principle is inapplicable if the statute expressly or impliedly permits delegation. An implied ability to delegate will be read into a statute where it would be impossible for the body to make all decisions personally. The problem of delegation arises often in relation to municipal councils. In Port Arthur, the local council left to the Garage Owners Association, the decision as to which garages would be allowed to remain open past the normal closing time.² In another case, a local council passed a by-law which required any person planning to build a swimming pool to get the permission of all the neighbours within 100 feet of the pool before they would issue him a building permit.³

¹J. Willis, "Delegates Non Potest Delegare", Canadian Bar Review, (1943) p. 257.

²R. v. Sepanary 132 C.C.C. [1961] (Ont. C.A.) (1962).

³Re. Davies and the Village of Forest Hill [1964] 47 D.L.R. (2d) (1965) 392.

The Courts held both these by-laws invalid because of objectionable delegation.

COMMON LAW RESTRAINTS

The Judicial-Administrative Distinction

Since the preceding restraints apply to both judicial and administrative boards, the distinction between the two has not been relevant. However, for some of the legal controls the distinction is crucial and a clear understanding of the differences between them is essential. Most boards fall into two general categories:

- (a) those exercising purely administrative powers,
- (b) those exercising judicial or quasi-judicial powers.

Boards which are advisory do not really fall within either category although generally they are viewed to be the same as administrative boards. The fact that advisory boards have no power to make a decision means that most of the common law restraints are inapplicable. These common law restraints are designed to control the manner in which decisions affecting people's lives are made.

The judicial-administrative distinction is relevant because more onerous restrictions have been applied to judicial boards. It is extremely difficult to decide into which category a board falls and this is the chief cause of the complexity and confusion in administrative law. In addition, there are certain specific forms of action that apply to judicial boards. If a judicial remedy is brought and the Court decides that the board is exercising administrative functions, the claim will be dismissed even though it could have been successful had the proper administrative remedy been brought.

There are certain general criteria that help classify boards into one category or the other. The main test is to compare the board to a court to see what degree of resemblance there is between the two. A court is presided over by an impartial judge who decides a dispute between two parties. His function is not to create law, but to ascertain what the law is and apply it to the facts as found. His discretion, if not non-existent, is, at the most, narrow. The procedure is formal with a right to cross-examine, right to counsel, and with the common law and statutory rules of evidence in full force. The major criteria to be used in deciding whether a board is judicial are as follows:

- (a) Is there an impartial arbiter?
- (b) Does the arbiter have the power to make a final decision affecting legal relations?
- (c) Does the decision settle a dispute between two parties?
- (d) Is formal procedure used to arrive at the decision? - public hearings, power to give an oath, to compel attendance of witnesses, to apply sanctions to enforce compliance with its orders.
- (e) Does the arbiter in reaching his decision apply set rules and standard to a given set of facts?¹

The fewer of these elements a board has, the more it shades into the administrative and of the judicial-administrative continuum.

An administrative board is usually composed of laymen, with no power to give an oath or compel attendance of witnesses and it is not bound by the rules of evidence. It is only bound to act strictly according to its own rules and honestly in good faith.² Its function is to make decisions on the basis of policy and expediency, and it usually takes account of a general public interest

¹. A. de Smith, Judicial Review of Administrative Action, (London: Stevens, 1968), pp. 64-76.

². McLean v. Workers Union, [1929] Chancery 424.

that is superior to the particular interests affected by any of its decisions. It often has a wide discretion. However, if the enabling statute restricts the board's discretion by setting out the standards to be applied, the board will begin to resemble a judicial body. Administrative boards are not bound by the formal procedure applying to ordinary courts. They can determine their own procedure and gather evidence as they think best, as long as they act in good faith and listen fairly to both sides.¹ In some cases administrative boards do not even have to grant the party a hearing. Examples of administrative action are:

- (a) Most actions by Ministers of government departments - his decisions are based on policy and expediency;
- (b) Local telephone and hydro commissions whose functions are essentially regulatory;
- (c) Licencing boards - this is a very fluid area. Whether a licencing commission will be judicial or not depends on how wide is its discretion; whether a man's livelihood depends on his having a licence; and whether the commission has to revoke licences quickly and effectively to protect the public. The cases go both ways.²

1. Board of Education v. Rice, [1911] A.C. 179. (House of Lords), Local Government Board v. Arlidge, [1915] A.C. 120 (House of Lords). Most of the cases cited in this case can be found in J. Willis, Casebook on Public Authorities, 1965. (To be found in University of Toronto Law Library).

²(a) Re Direct Sellers Act, Re Appeal of Foremost Construction Co. Ltd. [1967] 60 W.W.R. (1967) 302 (Sask). The Court held that the Registrar of Companies with a wide discretion to cancel licences as he sees fit was acting administratively and need grant no hearing.

(b) Bishop v. Ontario Securities Commission [1963] 1 O.R. (1964) 17. The court held that the Securities Commission could revoke a licence without a hearing as this was necessary to protect the public from fraudulent promoters.

(c) Roncarelli v. Duplessis [1959] S.C.R. 121. The Court held that the Quebec Liquor Licencing Commission in revoking a restaurant's liquor licence was acting judicially enough to allow certiorari to lie against it for excess of jurisdiction.

The area is further complicated by the fact that in the exercise of some of its powers a board will be held to be acting judicially whereas the exercise of other of its powers, will be administrative. A good example of this type of board is the Ontario Municipal Board which must act judicially when holding hearings under S.34 and S.36 of The Ontario Municipal Board Act R.S.O. 1960, Ch. 274, but is acting administratively in approving by-laws and supervising municipal borrowings under S.53(1) of the same act.

Common Law Restraints Which Apply To Both Types Of Boards

Some of the common law restraints apply equally to both judicial and administrative bodies. The first of these relates to "excess of jurisdiction". A board must direct its mind solely to the question that it is empowered by statute to decide and not take into account extraneous considerations. Where it has a wide discretion, the discretion must be exercised reasonably. Thus a liquor licencing board enabled to revoke licences as it sees fit, can only revoke a licence for reasons that are relevant to promoting clean, well-run liquor lounges and not because the owner happens to be a Jehovah's Witness.¹ Taking into account these extraneous considerations results in the board "exceeding its jurisdiction" and renders its proceedings void, and its orders and decisions nullities.

The second restriction that applies to both judicial and admin-

¹. Roncarelli v. Duplessis op.cit.

istrative bodies is the rule against bias.¹ If a member of a board has a sufficient interest in the disputants or in the subject matter of the dispute, so that a reasonable man could say that there was a real likelihood of bias, then he is disqualified from making a decision. Any purported decision will be invalid. The rule is that the smallest pecuniary interest in the outcome will disqualify a board member. However, for other biases like personal hostility, personal friendship, family relationships, employer-employee relationships, there must be a real likelihood of bias. The rationale for the rule is that justice must not only be done, but must also be seen to be done. The rule applies in all strictness to judicial bodies and less strictly to administrative ones where the Court is prepared to allow some leeway. Certain administrative tribunals have members who are specifically biased in favour of a general view but the theory is that these biases cancel each other out; eg., the Ontario Labour Relations Board. In addition, at common law, no tribunal could be prosecutor and judge in the same case. However, now some statutes specifically require a procedure that compels boards to decide:

- (a) whether to hold an inquiry at all and;
- (b) if there is sufficient evidence, to sit in judgment at an official inquiry.

This procedure is acceptable if authorized by statute.²

¹. Ontario Royal Commission Inquiry into Civil Rights. op.cit., Report No. 1, Vol. 1, Ch. 5, pp. 76-79. See also A. de Smith, op.cit., pp. 231-263.

². R. v. Public Accountants Council, ex parte, Stoller, [1960] O.R. (1960) 631.

Common Law Restraints Based On The Distinction Between
Judicial And Administrative Boards - The Opposing Views

The second series of common law restrictions centres around the rules of natural justice and the "minimum procedural decencies" required for a valid decision. These rules apply where the statute is silent as to procedure, or only deals with it partially. This is an extremely confusing area of the law because one line of authority holds that the rules of natural justice apply only to bodies acting judicially while another view holds that they apply to all boards whether acting judicially or administratively. In addition, the content of natural justice is unclear and it is hard to determine what are the essential elements of procedure that a board must follow.

The early cases showed that there was no doubt that the rules of natural justice applied equally to both administrative and judicial bodies. The audi alteram partem rule states that if a man's liberty or property are to be interfered with he must be granted a hearing. In Cooper v. Wandsworth Board of Works,¹ a builder did not get proper clearance from the local board of works to build a house, and the board decided to tear it down as the statute authorized it to do, without giving the builder any notice of their intention or any chance to explain his side. Here the board was administratively carrying out a duty imposed upon it by statute. The Court decided that the board must hold a hearing even though it was not required by statute to do so. In addition,

¹. Cooper v. Wandsworth Board of Works, 143 E.R. (1863) 414.

it must give the builder notice of the time and place of the hearing and sufficient time to prepare his side. This principle, long ignored during most of the twentieth century has recently been reaffirmed by Ridge v. Baldwin.¹ In that case, the Court held that a local police committee could not dismiss a constable without giving him a hearing and allowing him to answer the charges against him, even though it had an almost untrammelled discretion to dismiss a constable that they felt "unfit for duty".

The other view which has been most prominent over the last fifty years is that the rules of natural justice apply only to bodies having authority to determine the rights of people and having the duty to act judicially.² Thus only bodies exercising judicial on quasi-judicial functions must comply with the rules of natural justice. The principle was applied in Nakkuda Ali v. Jayaratne,³ where a licencing commissioner in Ceylon had a wide discretion to revoke textile licences. The Court held that since he was acting administratively, he did not need to comply with the requirements for a hearing and the other elements of natural justice. Again in Calgary Power v. Copithorne,⁴ the Minister of Agriculture authorized a company to expropriate the plaintiff's land without giving him any notice or holding a hearing. The Court held that since the

¹. Ridge v. Baldwin and others, [1962] A.C. 40 (1964). (House of Lords).

². A. de Smith, op.cit., pp. 144-66.

³. Nakkuda Ali v. M.F. de Jayaratne, [1950] 66 T.L.R. (1950) 214.

⁴. Calgary Power Co. Ltd. v. Clarence Copithorne, [1958] S.C.R. (1959) 24.

Minister was acting administratively he did not have to conform to the rules of natural justice. At present the position in this area is unclear. However, the general trend is to limit and confine the powers of the State so that the Cooper principle is in the ascendency.

Advisory boards do not really fit into the judicial-administrative classification because these bodies do not make decisions which materially affect peoples' lives. Technically then, administrative law is inapplicable to them. However, there are occasions when the rules of natural justice will be applied.¹ One of the tests is the degree to which the investigation and report form an integral part of the process by which a person's rights are affected. In Guay v. Lafleur,² the Court held that a tax investigator who made only a report to the Minister need not give the person affected a hearing. Generally, an investigative body is under no duty to act judicially if it can only recommend or advise on a matter which another body has the discretion to deal with.

The Content Of Natural Justice

Because the content of the rules of natural justice is unclear, the area is further complicated. Certain principles have crystallized. The party affected must have notice of the intention to make a decision and he must be sufficiently informed of the case

¹. A. de Smith, op.cit., pp. 217-21.

². Philippe Guay v. Rene Lafleur, [1964] S.C.R. (1965) 12.

he has to meet. He should then be given a reasonable opportunity to prepare his case and be allowed at a hearing to controvert the case against him. He should be granted an adjournment if he requires it. However, the deciding body should be constituted by the same persons both at the time of the hearing and at the time of its decision.¹ The party has no right to counsel before these boards whether they are judicial or administrative. This right is restricted to bona fide courts.² The Bill of Rights S.2(c)(ii), which gives a right to counsel applies only to federal statutes and the Courts have interpreted its provisions to be directory only, not mandatory. Often a board will prefer to have the parties represented by counsel because it facilitates the conduct of the hearing.

Whether there is a right of cross-examination is more questionable. It is not granted to parties appearing before investigative commissions unless there is something in The Public Inquiries Act that requires it. However, where it is the only means that a party has of controverting the case of the other side it will be granted.³ Generally, there is no right to cross-examination. In University of Ceylon v. Fernando⁴, the Court held that a quasi-

¹. Ontario. Royal Commission Inquiry into Civil Rights. op.cit., Report No. 1, Vol. 1, Ch. 11, p. 137.

². R. v. Pantelidis, [1942] 1 D.L.R. (1943) 569. (B.C.C.A.).

³. Re. Toronto Newspaper Guild, Local 87, American Newspaper Guild (C.I.O.) and Globe Printing Company, [1951] O.R. (1951) 435.

⁴. University of Ceylon v. Fernando, [1960] 1 All E.R. 631. (P.C.)

judicial body, such as a university discipline tribunal, need do no more than hold a hearing at which the charges against a party are made known to him and he is given the opportunity of stating his case. If the board is acting in good faith, it need do nothing more.

Legal Remedies

There is no right of appeal from the decision of a board unless given by statute. However, their decisions can be quashed for excess of jurisdiction or denial of natural justice, but the legal remedies available are very narrow and apply only to specific situations. Prohibition is a remedy applying only to bodies exercising judicial functions and prevents the body from making a decision.¹ Certiorari lies only to judicial bodies and is used to quash decisions invalidly made. Declaration and injunction apply to both judicial and administrative bodies but are only applicable to judicial bodies when the primary judicial remedies do not apply. These two are the only remedies that lie to administrative bodies. Declaration allows a person to obtain a judgment whether an action proposed to be taken by a tribunal or an action already taken by it, is valid. Injunction is a remedy restraining a tribunal from acting or carrying into affect action already taken, beyond its power.

The judicial and administrative remedies cannot be brought as alternatives in the same action so that if a judicial remedy is brought and the Court holds that the body is acting administratively,

¹. Ontario. Royal Commission Inquiry into Civil Rights. op.cit., Report No. 1, Vol. 1, pp. 240-1.

the suit fails. Also, if an administrative remedy is brought and the Court finds that the body is acting judicially, the suit again fails because declaration and injunction lie to judicial bodies only when the primary judicial remedies of certiorari and prohibition are inapplicable. Mandamus is an action to compel a statutory tribunal to exercise the powers conferred on it and applies to both judicial and administrative bodies.

THE IMPLICATIONS OF THE MCRUER REPORT

This whole area of the law may be significantly altered by the bills resulting from the McRuer report. The intent of the McRuer report was to eliminate the confusion in the area of administrative law. The report recommended a minimum procedure for all boards so that once it is settled that a body must hold a hearing, the judicial-administrative distinction becomes irrelevant. One of the bills drafted on the basis of the report's recommendations, The Statutory Powers Procedure Act¹ would abolish the judicial-administrative distinction for those tribunals which must hold a hearing and sets out a common procedure to which these tribunals must adhere in order to give valid decisions. It also sets out comprehensive requirements for notice and gives both the parties to the suit and the witnesses the right to counsel. The hearings would be public and the tribunal would give written reasons for its decisions. Both the common law and statutory rules of evidence would apply to all hearings. Another Bill, The Statutory Powers Judicial Review Act² would simplify the remedies applicable to

¹. Bill 130, 1968-69.

². Bill 129, 1968-69.

these bodies and provides a single discretionary remedy which would encompass all the old remedies. It also has a provision which makes all statutory tribunals capable of suing and being sued in their own name. This would remove the procedural difficulties that result when a board is not incorporated. The effect of these changes would be to make every board under S.1(b) of The Statutory Powers Procedure Act, whether administrative or judicial, similar to a court. Its procedure would be as formal and as structured as that of a court. Any deviation from the prescribed procedure would render the decision void unless the Court interprets the provisions of the act to be merely directory.

McRuer also examined the expropriation and licencing powers of boards. There are several local boards that have the power to expropriate land. They are:

1. A conservation authority, S.19(c), The Conservation Authorities Act, 1968, S.O. 1968, Ch. 15.
2. A hospital board, S.7, The Public Hospitals Act R.S.O. 1960, Ch. 322.
3. A public library board, S.16, The Public Libraries Act, 1966, S.O. 1966, Ch. 128.
4. A board of parks management, S.15 and S.17, The Public Parks Act, R.S.O. 1960, Ch. 329.
5. A public utility commission, S.41 and S.64, The Public Utilities Act, R.S.O. 1960, Ch. 335.
6. A board of trustees for a sanatorium, S.22, The Sanatoria For Consumptives Act, R.S.O. 1960, Ch. 359.
7. A public school board, separate school board, continuation school board, high school board, board of education, divisional school board and an advisory committee under part III of The Secondary Schools and Boards of Education Act, S. 65, The Schools Administration Act, R.S.O. 1960, Ch. 361, as amended to date.¹

¹. Ontario. Royal Commission Inquiry into Civil Rights, op.cit., Report No. 1, Vol. 3, Ch. 65, Table A, pp.966-974. See also Chs.66-72.

McRuer proposed extensive changes in expropriation procedures and most of his recommendations have been incorporated in The Expropriation Act, 1968-69.¹ Bodies with the power to expropriate now need the approval of an approving authority, which is usually the Minister responsible for the administration of the act or the municipality in the case of a local board. (S.5) Each expropriation must be preceded by a formal inquiry at which the parties can dispute the suitability of their land for the expropriating body's purpose. The report is then forwarded to the approving authority. Compensation must be based on the market value of the land and any dispute must be referred to a board of negotiation or to arbitration before the Land Compensation Board.² The result of these changes is that the power of expropriating authorities has been effectively checked.

McRuer also proposed changes in licencing procedure. At present, local boards of police commissioners have the prime responsibility for licencing at the local level. The Report recommended that the wide discretion given to many licencing authorities be eliminated. The by-laws of these bodies should contain clear standards in which licencing decisions can be based. The report also recommends that a hearing be held when the licencing authority wants to revoke a licence or when it considers that there are some grounds for refusing to grant a licence. In addition, it proposed a formal

¹.S.O. 1968-69, Ch. 36.

².Ibid., S.27 and S.28.

procedure with a right of appeal. Adoption of these proposals would make the whole licencing process more structured and more formal.¹

The theory behind the creation of boards to deal with certain subject areas was to have quick efficient decisions made. The decisions would be made in harmony with a general policy set by the members of the board who were to be knowledgeable in that particular area. The expense and tedium of litigation were to be replaced by decisions based on a consistent policy. Boards set up at the local level were to relieve the municipal councils from the responsibility for certain areas and in return, the board members could become expert at setting policy and efficiently regulating the area under its control. Under the comprehensive judicial review recommended by McRuer, the judiciary may again be able to intervene and replace the board's view with its own.

PRINCIPLES RELEVANT TO THE LEGAL STATUS OF LOCAL BOARDS AND COMMISSIONS

Independent And Agent Boards

There are certain other legal principles that are of particular relevance to local boards and commissions. Usually the statute will define the legal relation of such boards to the municipality. They may be independent legislative and administrative bodies or they may be merely statutory agents acting in a representative capacity for their municipal corporation.² If they are the

¹. Ibid., Chs. 75 and 76.

². I. MacF. Rogers, The Law of Canadian Municipal Corporations, Vol. 2, (Toronto: Carswell, 1959), pp. 1326-1339.

former, they are supreme within the area of their jurisdiction. Neither the local council nor other local boards can encroach on the area of their special function and any attempt to do so will fail. By-laws of a municipal council purporting to deal with the area of a board's jurisdiction will be invalid. These boards are completely independent even though they may have to rely on the financial support of the council. Examples of such boards are Boards of Police Commissioners, School Boards, Public Library Boards, and local Boards of Health.¹

A local board may be merely a statutory agent and act in a representative capacity for a municipal corporation. If so, the municipality will be liable for the torts and contracts of the former so that any suits can be brought directly against the municipality. Where the statute allows the municipality to create a board by by-law, it may exercise control over it by imposing conditions in the by-law creating the board. The Courts have adopted various criteria in seeking to make the distinction between independent and agent boards. It is not enough for the municipality to appoint the members of the board and vote it money. However, there are two key factors. If the entire property and revenues of the board belong to the municipality or if the municipality can divest the board of its authority, it is much more clearly a statutory agent.² The distinction is crucial in respect

¹. Ibid., p. 1328.

². Ibid., p. 1329.

of liability for torts and contracts, but the administrative law remedies could seem to apply equally whether the board is an independent authority or agent.

The Effect Of Incorporation

A local board's legal status also depends on incorporation. Most local boards are expressly constituted corporate bodies by statute:

- (1) Local boards of health by S.14 of The Public Health Act, R.S.O. 1960, Ch. 321.
- (2) Public library boards by S.3(3) of The Public Libraries Act, 1966, S.O. 1966, Ch. 128.
- (3) Boards of park management by S.4 of The Public Parks Act, R.S.O. 1960, Ch. 329.
- (4) All public utility commissions by S.42(1) of The Public Utilities Act, R.S.O. 1960, Ch. 335.

A notable exception is local boards of police commissioners.

Corporate status may also be implied from the statute if the words necessarily imply its existence:

It is true that a corporation may be created by the language of an Act of Parliament without a direct enactment creating it; but, if the language relied on is not direct, it must at least shew by necessary implication the intention to create the corporation. In addition to a corporate name, it must appear that some powers are conferred which cannot be exercised or some duties imposed which cannot be performed in the absence of a corporate existence. If, in addition to a corporate name, an intention to give perpetual succession for any purpose appears, as for instance, the right to hold land to the body and its successors, a very strong case for the creation of a corporate body by necessary implication is made out.¹

The usual test is whether the board has the capacity to hold property in its own name.

Incorporation makes a board a separate legal entity distinct

¹. Sellers v. Village of Dutton et.al. [1904] 7 O.L.R. 646 per Street J., quoted in Rogers op. cit., Vol. 2, p. 1332.

in law from those persons who comprise it. It can hold property as long as it exists as a separate entity and so incorporation avoids all the problems of estate and inheritance taxes. The hazards of making control of assets dependent on the uncertainty of human life are removed. As a separate legal entity it alone is liable for its debts and not those people who control it. Aside from these factors, the differences between an incorporated board and one that is not, are one of minimal weight since the administrative law remedies apply with full vigour to both kinds. However, there are procedural difficulties in bringing an action against an unincorporated board. A corporate board has the power to sue and to be sued in its own name by S.26(a) of The Interpretation Act, R.S.O. 1960, Ch. 191. The procedure for bringing an action against an unincorporated board is more complex, but it is possible to quash decisions made by these boards so that both types are subject to the same limitations on their power of decision-making.

CONCLUSION

Under the present law, the decisions of boards and tribunals are liable to attack on a multitude of grounds. However, these boards have been able to operate efficiently for various reasons:

- (a) Few people know of their rights vis-a-vis these boards and most have been generally inclined to submit to their decisions.
- (b) Few people have been sufficiently affected to bother with litigation.
- (c) Few people have been sufficiently affected to risk the expense of litigation.

- (d) Owing to the complexity of this area and the difficulty in bringing the right remedies, few lawyers were sufficiently well-versed in the area to provide competent advice. Most lawyers practiced in simple more lucrative fields.

For these reasons, boards have been able to operate with relatively little interference from the judiciary.

However, this pattern has been changing. The whole trend in prevailing social norms is to place greater emphasis on the rights of the individual and less on the rights of the State. Administrative law has become progressively more popular as it is applicable in almost every case where the rights of the individual clash with those of the State. The fact that many more lawyers graduate every year has meant that fewer can practice in the traditional areas of the law and more are moving into the newer areas like administrative law. The Ontario legal aid plan has made legal redress available to many lower income people who previously had no alternative but to accept the decisions affecting their lives as part of their fate.

This trend alone would have made it more difficult for those bodies to fulfil their functions efficiently. If the recommendations of the McRuer report are adopted, it will be almost impossible for independent boards to operate informally and quickly. The proceedings will be subject to the same formality and delay as regular courts. The McRuer report also advises a statutory right of appeal to the Court of Appeal. This provision could completely paralyse the operations of some of these boards. In addition, members of most boards are laymen who would not be able to

administer the technical-legal procedure required by McRuer and it is easy to envision many appeals being launched based on wrong interpretations of the rule against hearsay evidence. The decision-making process in these boards could become even more inefficient than the one they were set up to replace so the rationale for their existence would be gone. Municipal councils would be in a better position to ensure proper procedure in making all these decisions. In addition, Courts are loathe to interfere with decisions made by elected representatives. Committees of council might be able to make some of the decisions in their legislative capacity and remove the necessity for compliance with any administrative law principles. Thus, committee decisions would be liable to attack on many fewer grounds; eg., only unconstitutionality, exceeding statutory powers given to them by The Municipal Act and related acts, and objectionable delegation. Even if there is no change in the law, these boards may find it increasingly difficult to operate efficiently. If the McRuer report with its emphasis on formal procedure becomes law, local boards and commissions could be rendered completely impotent. The prime reason for the creation of these bodies would then be gone and they would cease to have any value at all.

APPENDIX D

Number of Municipalities Operating Through the Following Boards¹

1.	Air Harbour Commissions	8
2.	Boards of Arbitration - Fire	
3.	Boards of Arbitration - Police	
	Boards for:	
4.	Memorial Windows	
5.	Monuments	
6.	Tablets	
7.	Parks	95 ^a
8.	Recreational Areas	
9.	Playgrounds	
10.	Athletic Fields	4
11.	Zoological Gardens	
12.	Natural History Collections	
13.	Observatories	
14.	Works of Art	
15.	Other Places of Recreation and Amusement	
16.	Arenas	40
17.	Auditoriums	
18.	Health or Community Centres	
19.	Stadia	
20.	Museums	21
21.	Public Historical or Similar Buildings (connected with the armed forces)	

22.	Building Development Corporations	5?
23.	Cemetery Boards	138
24.	Children's Aid Societies	18
25.	Community Centres Boards	234 ^b
26.	Conservation Authorities	14
27.	Courts of Revision - <u>The Drainage Amendment Act</u>	c
28.	Courts of Revision - <u>The Local Improvement Act</u>	d
29.	Divisional Boards of Education	d
30.	County and District Combined Separate Boards	d
31.	Advisory Vocational Committees	
32.	School Board Advisory Committees	
33.	Emergency Measures Organizations	29
34.	Fence Viewers	
35.	Boards of Health	15
36.	Health Units	60
37.	Committees of Management - Homes for the Aged and Rest Homes	31
38.	Boards of Management - Homes for the Aged and Rest Homes.	
39.	Horticultural Societies	
40.	Public Hospital Boards	32
41.	Housing Standards Committees	3?
42.	Boards of Management for Improvement Areas	
43.	Boards of Trustees for Improvement Districts	
44.	Inter-Urban Boards of Management	
	Joint Boards for:	
45.	Water	

46.	Sewage	
47.	Garbage	
48.	Hydro	
49.	Transportation	
50.	Roads	
51.	Fire	
52.	Police	
53.	Other Utilities, Systems and Services	
54.	Public Library Boards	
55.	County Library Boards	
56.	County Library Co-operatives	328
57.	Regional Library Boards	
58.	Union Public Library Boards	
59.	Boards of Park Management	95 ^a
60.	Parking Authorities	14
61.	Planning Boards	328
62.	Joint Planning Boards	
63.	Committees of Adjustment	142
64.	Land Division Committees	c
65.	Board of Police Commissioners	67
66.	Boards of Trustees - Police Villages	
67.	Public Services Commissions	
68.	Public Utilities Commissions	144
69.	Hydro-Electric Commissions	

70.	Recreation Committees	
71.	Joint Recreation Committees	
72.	Regional Development Councils	6
73.	Boards of Management - Sanatoria for Consumptives . . .	
74.	Sewage Commission	
75.	Societies for the Prevention of Cruelty to Animals . . .	
76.	Statute Labour Boards	
77.	Local Roads Boards	
78.	Suburban Roads Commissions	17
79.	Telephone Commissions	4
80.	War Memorial Committees	
81.	District Welfare Administration Boards	6

¹ The Clerks' Returns 1969. The figures given are for 1968.

^a It is not clear whether these boards are established under Section 377 (69) of The Municipal Act or whether they are Boards of Park Management under The Public Parks Act.

^b It is not clear whether these boards are established under Section 377 (69) of The Municipal Act or whether they are established under The Community Centres Act.

^c The functions of these boards have changed since the returns were completed.

^d These boards did not exist when the returns were completed.

APPENDIX E

Larger Councils

Municipal councils in Ontario have traditionally been rather small - five to twenty members.¹ Some new regional councils are somewhat larger.² However, even these regional councils have few members when compared with municipal councils in Europe.³

Disadvantages

Cost

If it is considered necessary to pay councillors at the present rate the cost to the municipality would obviously be greater. Also the premises in which the council meetings would be held would need to be larger.

Population Base

It might be argued that there is not the population base to merit increasing the number of councillors. However, using the present idea of relatively small councils, regional government has reduced the number of representatives per capita. York will used to compare the number of persons per representative before and after regional government. Comparison is easiest for York as it, unlike the other regions, had no cities or separated towns prior to reorganization. Before regional government York had an average one local representative for each 1,785 persons and one county representative for each 5,356 persons. Under regional government York will have an average one area representative for each 2,112 persons and one regional representative for each 8,822 persons.

¹K. Grant Crawford, Canadian Municipal Government (Toronto: University of Toronto Press, 1954), pp.78-80.

²Ottawa-Carleton has 31 councillors; Niagara has 29 regional councillors; York has 17 regional councillors.

³Julian G. Suski, "The Structure of Municipal Government Canada and in Europe", Canadian Public Administration, September, 1965, p. 319.

Two-Tiers

With two tier regional government more positions may be created than there are interested people to fill them if only direct election is used.

Co-ordination

Without political parties it might be difficult to co-ordinate the work of the council.

Responsibility

Without political parties it would be more difficult to locate responsibility on a large council than on a smaller council. With a larger council there would be a tendency for even fewer decisions to be made at open council meetings and for decisions to be taken only in committee or party caucus.

Advantages

Local Democracy and Voluntary Work

There would be more local people involved in local government. As each local councillor would represent fewer people, these people would probably have more access to, and contact with, the councillors. The experience and knowledge of present councillors need not be lost if there were more positions on regional councils. If special purpose bodies were to be eliminated, their appointed members would have the opportunity to continue to participate in local work by running for council. With a larger number of people to share the work councillors could make detailed decision which could reduce the number of officials needed. This voluntary work would enable more people to feel that they were contributing to the community.

Political Acceptability

With larger councils the elimination of some boards and commissions might be politically more acceptable. As fewer people would be eliminated from local government regional government might be more attractive. Larger regions may be possible also.

Local Knowledge

With more councillors their personal knowledge and their closer contact with the public could add more local knowledge to the deliberations of the municipal councils.

Work Load

With more councillors the work load need not be too great.

Specialization

With a lighter work load councillors would have the opportunity to specialize in certain fields.

Cross-Membership

If a full scale committee structure is thought desirable, each committee of the municipal council could have a greater cross-membership with other committees if there were a greater number of councillors.

Ideas

With more people involved, there is the possibility of producing more ideas.

Party Politics

There has been some discussion about introducing party politics into local government in Ontario. Larger councils would probably facilitate the introduction of political parties.

"Good" Men

This system would combine the greater responsibilities of regional government with a reasonable work load and at the same time lighten the burden of running for office. This combination might encourage "good" men to participate in municipal government.



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